

12-10-1868

## Sale of Fort Snelling Reservation. Letter from the Secretary of War, transmitting papers relative to the sale of the Fort Snelling Reservation

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SALE OF FORT SNELLING RESERVATION.

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LETTER  
FROM  
THE SECRETARY OF WAR,

TRANSMITTING

*Papers relative to the sale of the Fort Snelling reservation.*

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DECEMBER 10, 1868.—Referred to the Committee on Military Affairs and ordered to be printed.

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WAR DEPARTMENT,  
Washington, December 10, 1868.

SIR: In compliance with the requests conveyed in a communication of the 26th of February, 1868, from the Hon. J. A. Garfield, chairman of the House Military Committee, for copies of reports, records, and papers in the matter of the sale of the Fort Snelling reservation, for the use of the Committee on Military Affairs, together with an expression of my opinion as to the necessity of retaining any portion of said reservation for military purposes, and what legislation, if any, is necessary to enable the government to obtain an undisputed title to the same, I have the honor to transmit herewith the copies of papers therein called for.

I also forward a copy of the report of the board of claims upon the subject, approved by me, with copies of the papers recently filed by claimants' attorney, upon which this report was based.

I fully concur in the opinions expressed by General Sherman as to the necessity of retaining the major part of the reservation for military purposes, and with respect to Mr. Steele's equities in the premises.

I am also of opinion that the mode of settlement of the case proposed by General Sherman is just and proper, and I would suggest the propriety of my being invested by law with authority to make the sale of 160 acres east of the Mississippi, and a tract of 160 acres south of the St. Peter's, (see map B herewith,) which, it will be observed, General Sherman thinks it is possible to dispense with, and to apply the amount realized from the sale, as far as it will go, to the settlement of Mr. Steele's claim. Should it be found that the sum thus realized would be insufficient to liquidate the claim upon bases proposed by General Sherman, it will be necessary to pay the balance from the treasury; and as there is no appropriation at my disposition applicable to that object, I would recommend that an appropriation be made for the purpose of meeting this contingency.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,  
*Secretary of War.*

HON. SCHUYLER COLFAX,  
*Speaker of the House of Representatives.*

## CASE OF THE FORT SNELLING, MINNESOTA, RESERVATION.

ADJUTANT GENERAL'S OFFICE,  
*Washington, April 27, 1868.*

February 26, 1868, Hon. Mr. Garfield, chairman of the House Committee on Military Affairs, asks to be furnished with the following information:

1. Copies of all reports by military commanders in regard to retaining any portion of the Fort Snelling military reservation.

2. Copies of all records and papers relating to the sale of said reservation by the Secretary of War.

3. All information in possession of the War Department in regard to the use and occupation of said reservation since the sale; also, whether the War Department desires to retain any portion of the reservation for military purposes; and if so, what legislation is required to secure to the government an undisputed title to the same and make a complete settlement with the purchaser of the reservation.

Referred March 3 by the Secretary of War to this office for report.

Copies of General Garfield's letter were furnished March 4, 1868, for report to the Quartermaster General and Lieutenant General Sherman, commanding military division of the Missouri.

March 10, 1868, Lieutenant General Sherman reports: Visited Fort Snelling in May, 1866, and found it occupied by a company of the 10th infantry. (Has since been occupied by troops.) On that occasion made official report as follows:

Fort Snelling, with its 6,000 acres of reserve, was sold by Secretary Floyd to a Mr. Steele, who has paid \$30,000, but failed to pay the balance. Mr. Steele is not anxious to fulfil the terms of the purchase. He bought the reservation with the object of building a town upon it. The government took possession of the reservation at the breaking out of the war, and during the rebellion used it as a depot for collecting volunteer troops. The fort should be retained, and a compromise made with Mr. Steele.

General Sherman now states that the portion of the reservation lying north of the St. Peter's river and west of the Mississippi is necessary for military uses; the balance may with propriety be sold. The former sale by Mr. Floyd was declared fraudulent and was suspended. Mr. Steele was not, however, a party to the fraud. A fair compromise should be made with him. Credit him with the \$30,000 (and interest) paid by him, and debit him with the moneys received by him: such as the ferry income, rents, and other profits; he should make a declarative statement of the account and receive the balance due him.

A map of the reservation will be forwarded, delineating the portion that should be sold and the portion to be retained. The land east of the Mississippi and south of the St. Peter's can be sold for enough to refund to Mr. Steele the amount he has paid. Mr. Steele is anxious and willing to settle the matter.

April 20, 1868, the Quartermaster General forwards copies of papers on file in his office relative to the Fort Snelling reservation, from which it appears, August 13, 1837, certain settlers, who had settled upon lands contiguous to Fort Snelling, petitioned President Van Buren that they be recompensed for improving their land in case the government should purchase it from the Sioux for a military reservation.

October 19, 1837, Major Plympton, commanding Fort Snelling, called the Adjutant General's attention to the settlements of traders and others upon land belonging to the reservation. November 17, 1837, the Adjutant General informed Major Plympton that in case no reservation had yet been made a map should be drawn, showing what land should be

reserved. July 26, 1838, Major Plympton notified the inhabitants in the section that he had established a reservation, and prohibited any trespass, &c., by persons not attached to the military service. July 29, 1839, the Commissioner General Land Office ordered that the reservation marked out by Major Plympton be not sold to settlers or others.

February 15, 1848, Hon. J. H. Tweedy, member of Congress, presented to the Secretary of War the application of Joseph R. Brown for permission to erect a warehouse on the reservation. Mr. Tweedy stated that it was the opinion of many intelligent men that the Fort Snelling reserve was too large; prevented progress in settling the country. Referred by Secretary of War to Quartermaster General, who reported in favor of giving up to the land department the whole territory of the Mississippi. If the land was to be retained by the government, Mr. Brown should not be permitted to erect a warehouse.

February 21, 1848, W. H. Randall, of New York, requested that S. J. Findley, of St. Peter's, be allowed to keep the ferry on the Mississippi river, opposite Fort Snelling; also, to erect buildings on the east side of the river. On reference to him, the Quartermaster General recommended that the portion of the reservation on the east side of the Mississippi be surrendered to the Land Office, so that settlers might locate upon it. The permission asked for by Mr. Randall was granted by the Secretary of War, February, 1848.

March 3, 1849, the Secretary of War gave permission to the Hon. Robert Smith, member of Congress, to lease the government house and mill opposite the Falls of St. Anthony; to relinquish the same at the pleasure of the War Department.

Subsequently, Mr. Smith asked the additional privilege of cultivating a portion of the land. Acceded to by Secretary of War, October 19, 1849.

By act of Congress, approved August 26, 1852, the Secretary of War was directed to reduce the extent of the Fort Snelling reservation, and to establish new boundaries as designated in said act.

February 7, 1853, Mr. Smith asked that the War Department sell him the buildings he had leased and occupied since 1849. June 4, 1853, the Quartermaster General recommended that the buildings be sold to Mr. Smith.

April 7, 1857, Hon. H. M. Rice recommended that the Fort Snelling reservation be relinquished by the War Department. Referred by Secretary of War to the Quartermaster General, who reported that if troops were to be concentrated at central points it would be an unwise measure to abandon Fort Snelling; but if the troops were to be distributed upon the extreme frontiers, then all but a quarter section, including the site of the fort and the ferries, might be surrendered.

May 25, 1857, the Secretary of War directed Major Seth Eastman and William K. Heiskell to examine and report upon the subject of the sale of the reservation of Fort Snelling to private parties.

June 10, 1857, Major Eastman and Mr. Heiskell made a joint report, as follows:

All of the improvements could not be sold for more than \$20,000. \* \* \* \* We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000; \* \* \* all owned and in the possession of the post sutler, Franklin Steele. Ferries across each river are conducted by Steele. Upon questioning Mr. Steele he very frankly said that he did not go on the said reservation, neither did he make or purchase improvements upon the same with the expectation of having the pre-emption right extended to him, and we could not come to the conclusion that he should have the right to purchase the lands covering his improvements at \$1 25 per acre. \* \* \* \* After a careful examination of the property, (the entire reservation,) we estimated its value at \$90,000. \* \* \* \* Justice required us to give Mr. Steele the refusal of it; \* \* \* at which



price he accepted it, and we closed a contract for the same. We have further to state that we examined Fort Snelling with reference to its being retained as a military depot; became satisfied that the time had passed for it to be useful as a military depot or fort. We have reserved from the sale 20 acres for the Catholic church and 10 acres for the Protestant burial ground, and recommend that both of these reservations be conveyed to their respective denominations at \$1 25 per acre.

The above report was submitted by Secretary Floyd to the President June 17, 1857, and endorsed: "Approved. J. B. Floyd, Secretary of War."

The contract or sale to Steele (copy enclosed) fixes the price at \$90,000; the first payment, \$30,000, to be made July 10, 1857; the remaining \$60,000 within two years thereafter. The area of the reservation was estimated at 7,000 acres. This sale, however, did not include the plot of 20 acres occupied by the Catholic church, nor the plot of 10 acres used as a Protestant burial ground. The contract was approved July 2, 1857, by Secretary Floyd.

By Special Orders 109, Adjutant General's office, July 31, 1857, it was announced that Mr. Steele had paid the first instalment of the purchase money, and the "military reservation and property pertaining thereto, excepting the fort and other buildings which are required for the use of the troops at the post will be put in the immediate possession of Mr. Franklin Steele. The military post will be maintained until further orders."

September 28, 1857, the Attorney General informs the Secretary of War that "the War Department has power given it by Congress to sell the land in question."

In a report to Lieutenant General Scott, (date not known, supposed to be August, 1857,) Colonel Lorenzo Thomas says:

So long as the Indians remain in Minnesota, so long must troops be kept in the territory. To supply the troops a depot is essentially necessary at Fort Snelling, and I consider that the post should not have been sold. All the necessary buildings were here with a reserve ample for any purpose. A condition of the sale, I understand, is that the buildings shall be kept as long as required. They should not be given up, and if possible from 500 to 1,000 acres of land should be reserved \* \* \* The mounted troops could be kept at Fort Snelling at less cost than elsewhere. \* \* \* I do not know under what circumstances the post of Fort Snelling was sold, but I am perfectly certain that no military man on the spot, at all acquainted with the state of affairs, would have recommended the measure.

This report, on being submitted to the Secretary of War, was endorsed as follows:

WAR DEPARTMENT, *August 29, 1857.*

The dissertation about Fort Snelling, its sale and the importance of it for a military depot, is a gratuitous intermeddling in a matter already disposed of by competent authority.

July 19, 1858, Franklin Steele certifies that the Fort Snelling reservation had on that day been turned over to him by Captain A. W. Reynolds, assistant quartermaster, as directed by the Quartermaster General, July 9, 1858.

June 1, 1860, the Secretary of War informed Mr. Breckinridge, President of the Senate, that Mr. Steele had purchased Fort Snelling July 26, 1857; had paid \$30,000 on it; that "the deferred instalments of the purchase money are secured by withholding the title until they are paid. The purchaser failed to meet his deferred payments, and suit has been brought to enforce the vender's lien, and the land will be sold to pay the residue of the purchase money if it is not sooner paid. There is no part of this reserve in possession of the United States."

January 22, 1859, Mr. Steele writes the Secretary of War, stating that he has learned with surprise that proceedings had been instituted against him (Steele) in the matter of the purchase of Fort Snelling. To avoid litigation, proposed to pay \$10,000 within four months and the balance as soon thereafter as possible.

January 2, 1861, General J. Holt, Secretary of War *ad interim*, informs the Hon. Cyrus Aldrich, member of Congress, that "the title to the Fort Snelling reserve will, under the contract of sale, remain in the United States until the last payment has been made by the purchaser."

April 23, General Sherman forwards three maps describing the reservation at Fort Snelling; also report of the assistant adjutant general at headquarters department of Dakota, as to the history of the reservation, (already given;) reiterates his former recommendation that Fort Snelling, with present reduced boundary, be held by the United States forever.

No diminution should be allowed of that part of the reserve lying in the forks of the Mississippi and St. Peter's. It is possible that the 160 acres on the east of the Mississippi, and the piece of 160 acres south of the St. Peter's (see map B) might be spared. If it is necessary to realize by sale \$30,000 with interest, then the reservation must be reduced by taking a strip on the west part of the reserve similar to that indicated in map B by the dotted red line, beginning at a point on Brown's creek above the Minnehaha falls.

Should this reservation be allowed to pass into private hands it would have to be re-purchased at some future time at a vast cost. Mr. Steele should be dealt with fairly.

Its sale by Mr. Floyd to Mr. Steele was either in fraud or in ignorance of its military value; but Mr. Steele is not a party to the fraud.

He paid one-third the purchase money and should receive back the same, with interest or an equivalent.

Fort Snelling is at the head of steamboat navigation on the Mississippi, and is the natural depot or place d'armes of that entire region, is eminently fitted for a fortification, but useless for agricultural purposes or for a site of a town.

#### ADJUTANT GENERAL'S REPORT.

The records of this office show:

Telegram from this office, dated May 9, 1858, directs the commanding officer at Fort Snelling to evacuate that post. In accordance therewith, the post was abandoned June 1, 1858. Special Orders No. 109, Adjutant General's office, July 31, 1857, directs Fort Snelling to be abandoned and put into the possession of Franklin Steele.

April 29, 1861, it was occupied by Minnesota volunteers commanded by Colonel Gorman, 1st Minnesota volunteers. No returns on file until May 13, 1862. From July, 1862, to June, 1863, no returns forwarded. From June, 1863, to November, 1865, post commanded by Minnesota volunteer officers. From November, 1865, till present date, commanded by officers of the regular army; Colonel E. B. Alexander, 10th infantry, now in command.

June 16, 1866, the Quartermaster General submitted to the Secretary of War extract of letter of Colonel Bingham, quartermasters' department, stating that the Fort Snelling reservation was sold by Secretary Floyd to Mr. Steele for \$100,000, \$30,000 of which had been paid eight years since—no payments since made. Reserve now composed of three square miles. Recommended that one square mile be retained, (all the buildings being within this area,) the buildings to be filled with surplus stores. The Quartermaster General concurred in this recommendation and suggested that it be carried into effect. Approved by the Secretary of War, July 6, 1866. The Quartermaster General instructed General Eastman, quartermaster, accordingly, who prepared a map of the proposed new reservation (one square mile) and transmitted the same to General Terry, commanding department of Dakota.

## SALE OF FORT SNELLING RESERVATION.

By General Orders No. 9, headquarters department of Dakota, March 4, 1867, the reservation was established according to said survey.

General Terry recommended the sale of all land not included within the last survey. Submitted by the Adjutant General to the Secretary of War.

The Secretary of War disapproved the establishment of the new reservation and directed that General Terry suspend his order in the subject until further advice. General Terry so informed by letter of May 26, 1867, from this office.

QUARTERMASTER GENERAL'S OFFICE,  
*Washington, D. C., June 16, 1866.*

SIR: I have the honor to furnish below an extract from a communication of Colonel J. D. Bingham, inspector quartermasters' department, dated Saint Paul, Minnesota, June 1, 1866, relative to the retention, &c., of the military reservation at Fort Snelling, near Saint Paul, Minnesota:

\* \* \* \* \*

The reservation at Fort Snelling was sold by Floyd, when he was Secretary of War, to Frank Steele, for \$100,000. Thirty thousand dollars of that amount was paid about eight years ago, and no payments have been made since. I think the post should be retained by the government. The reserve is now composed of three square miles.

\* \* \* \* \*

One square mile will be sufficient for government purposes, as there is no timber of any consequence on the reserve. In addition to the post buildings a draft rendezvous has been built since the war, and they are all within the square mile recommended to be retained. They are the best buildings of the kind I have ever seen. These I would fill with such surplus stores as we now have in buildings at St. Louis and Cincinnati, for which we are paying rent. In this way we can store such surplus property as we want to keep for future use at no expense for rents, as the buildings and the grounds on which they stand already belong to the government. This will be a good point to store them, as the Forts of Ripley, Ridgely, Abercrombie and Wadsworth will probably be kept up for some years yet, and this is the proper place to supply them from.

\* \* \* \* \*

The views expressed by Col. Bingham are concurred in by me, and it is respectfully recommended that they be carried into effect.

I am, sir, very respectfully, your obedient servant,

M. C. MEIGS,

*Quartermaster General U. S. A., Bvt. Major General.*

Hon. E. M. STANTON,

*Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,  
*Washington, D. C., July 13, 1866.*

GENERAL: The enclosed copy of a report of the Quartermaster General to the Secretary of War, relating to the retention of the military reservation at Fort Snelling, near Saint Paul, Minnesota, with copy of the approval of the War Department endorsed, is respectfully transmitted to you, with instructions to cause the recommendation therein contained to be carried into effect.

By order of the Quartermaster General:

Very respectfully, your obedient servant,

J. J. DANA,

*Col. Q. M. D. and Bvt. Brig. General.*

Bvt. Brig. Gen. L. C. EASTON,

*S. and S. Quartermaster Mil. Div. of the Mississippi, St. Louis, Mo.*

S. AND S. QUARTERMASTER'S OFFICE,  
*St. Louis, Mo., July 18, 1866.*

Copy respectfully referred to Brevet Brigadier General William Myers, chief quartermaster department of the Platte. He will, as soon as practicable, send a list of such clothing and equipage as may in future be necessary for the use of the posts in the district of Minnesota, making the list sufficiently large to fill the storehouses. He will make such suggestions in regard to this storage as he may deem best for the interest of the service. and, as the storehouses are built entirely of wood, he will give very stringent orders to guard against fire. General Myers will carry out the instructions of the Quartermaster General relative to the reservation.

[Endorsement.]

OMAHA, N. T., *August 15, 1866.*

Copy, with copy of enclosure, respectfully referred to Captain Theo. Schwan, 10th infantry, acting assistant quartermaster, Fort Snelling, who will cause the recommendation contained herein to be carried into effect. He will cause estimates to be made and furnish data required by General Easton, and take the strictest measures to guard against fire. He will have the reserve surveyed and laid off as contemplated in these instructions. If he has not a competent surveyor now under his direction he is authorized to employ one for this purpose. His attention is called to letter of July 27, 1866, requiring statement of number and capacity of buildings at this post.

WILLIAM MYERS,  
*Bvt. Brig. Gen., Chief Quartermaster.*

QUARTERMASTER GENERAL'S OFFICE,  
*Washington, D. C., August 20, 1866.*

GENERAL: The Quartermaster General directs that the necessary steps be taken to have reservations laid off at all new posts where this has not already been done.

You will cause a survey to be made at each of such posts of a suitable reservation, and forward a drawing of the same with field-notes and memoir, for action thereon, here.

By order of Quartermaster General:

Very respectfully, your obedient servant,

J. J. DANA,  
*Colonel Q. M. D., Bvt. Brig. General.*

Bvt. Brig. Gen. L. C. EASTON,  
*Chief Quartermaster, &c., St. Louis, Mo.*

OFFICE CHIEF QUARTERMASTER DEPT. OF DAKOTA,  
*Fort Snelling, Minnesota, February 26, 1867.*

COLONEL: I have the honor to transmit herewith, for the action of the brevet major general commanding the department, a drawing of the proposed reservation at Fort Snelling, Minnesota.

From this drawing it will be seen that the area defined by the new lines is greatly reduced from what has long been known as the reservation of Fort Snelling.

As it is within the province of the department commander to fix the extent of the military reservation, this drawing is respectfully submitted. Should it be approved, the land outside the lines should be disposed of

Oklahoma State Library

by the government, as is usual under such cases, by entry and sale. I am informed that Franklin Steele claims a great part of the reservation on the ground of purchase some eight years since to partial payment. He has not possession, and, I believe, no title.

I enclose herewith copies of letters on the subject of this reservation, wherein it will be seen that the War Department has approved the retention of one square mile as the government reservation at Fort Snelling.

Very respectfully, your obedient servant,

J. G. CHANDLER,

*Captain and A. Q. M., Bvt. Colonel U. S. A.*

Brevet Lieut. Col. E. W. SMITH.

*A. A. A. G., Dept. of Dakota, Fort Snelling, Minn.*

Official:

ED. W. SMITH,

*Bvt. Lieutenant Colonel, Capt. 24th Inf., A. A. A. G.*

[General Orders No. 8.]

HEADQUARTERS DEPARTMENT OF DAKOTA,

*Fort Snelling, Minnesota, March 4, 1867.*

Subject to the approval of the Secretary of War, the military reservation at Fort Snelling, Minnesota, is hereby established according to the map made in pursuance of the survey of September, 1866, and now on file in the office of the chief quartermaster at these headquarters, the same to embrace one square mile.

By command of Brevet Major General A. H. Terry:

ED. W. SMITH,

*Bvt. Lieut. Col., Capt. 24th U. S. Inf., A. A. A. G.*

Official:

ED. W. SMITH,

*Bvt. Lieut. Col., Capt. 24th U. S. Inf., A. A. A. G.*

HEADQUARTERS DEPARTMENT OF DAKOTA,

*Fort Snelling, Minnesota, March 4, 1867.*

GENERAL: I have the honor to transmit, herewith, a drawing of the proposed reservation at Fort Snelling, Minnesota, made in compliance with instructions contained in a letter from the Quartermaster General's office, dated July 13, 1866, a copy of which is enclosed, together with copies of further correspondence on the same subject from the Quartermaster General's office, and the endorsement from the Adjutant General's office thereon. Also copy of a communication from Brevet Colonel J. G. Chandler, chief quartermaster of this department, relative thereto, and the order issued from these headquarters, establishing the reservation at Fort Snelling as indicated by the drawing—subject to the approval of the Secretary of War.

The recommendation of Colonel Chandler in reference to the disposition to be made of the land outside the reservation is approved.

I have the honor to be, general, very respectfully, your obedient servant,

ALFRED H. TERRY,

*Brevet Major General U. S. Army, Commanding.*

The ADJUTANT GENERAL U. S. ARMY,

*Washington, D. C.*

[Endorsement.]

ADJUTANT GENERAL: The Secretary does not approve and directs the order issued by General Terry to be suspended until further orders and result of inquiry as to the Steele purchase.

E. S.

MAY 13, 1867.

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ADJUTANT GENERAL'S OFFICE,  
*Washington, May 16, 1867.*

SIR: General Orders No. 8, headquarters department of Dakota, of March 4, 1867, relating to the Fort Snelling military reservation, has been considered by the Secretary of War, in connection with the papers accompanying it, and is not approved by him. He therefore directs that the same be suspended until further orders.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,  
*Assistant Adjutant General.*

Brevet Major General ALFRED H. TERRY, U. S. A.,  
*Commanding Department of Dakota, Fort Snelling, Minnesota.*

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HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
*St. Louis, Missouri, March 10, 1868.*

GENERAL: The copy of letter of February 26, from General J. A. Garfield, chairman of the Committee on Military Affairs, (House of Representatives,) to the Hon. E. M. Stanton, referred to me by your endorsement of March 4, is received.

On the 26th of May, 1866, I visited Fort Snelling in person, and found it occupied by a company of the 10th United States infantry, and it has been occupied by troops continuously ever since. I then made an official report, and enclose herewith a copy.

A great many official reports have been transmitted through me to your office by General Terry, commanding that department, on this subject, and you have doubtless at hand all the papers called for by General Garfield, yet, as Fort Snelling is in my command, and I am familiar with its recent history, I will make this additional report, covering the points inquired after.

Fort Snelling occupies the angle at the junction of the St. Peter's and Mississippi rivers, at the very head of navigation. Its reservation embraces also land south of the St. Peter's and east of the Mississippi. That portion of the reservation lying north of the St. Peter's and west of the Mississippi is necessary for military uses; but the balance is not, and may with propriety be sold.

Fort Snelling will always be a military point from which troops and supplies can be handled for use on the northern frontier and should never be sold. The former sale by Mr. Floyd was declared fraudulent and was suspended; but by a personal examination of the facts I am convinced that Mr. Steele was not involved in the fraud. A fair compromise should be made with him, and none would be more fair than to credit him with the money paid (\$30,000) with interest, and to charge him all moneys received by him. He has had the use of the valuable ferry privilege, and has had the benefit of other rents and profits, and should make declarative statement of the account, and receive the balance due him.



I have not possession of the map of the reservation; but have repeatedly seen it at the fort, and will at once procure a copy of it and thereon delineate what portion of the reservation may be disposed of, and what portion should be held, and send it to you.

I understand from Mr. Steele that he was not only willing, but anxious to settle the matter on any conditions that were fair and just to himself. I have no doubt that the land east of the Mississippi river and south of the St. Peter's can be sold for enough to refund to Mr. Steele the money already paid by him; but if this be insufficient we could further diminish the reservation by a fraction outside of the Minnehaha river, and at the extreme part of the reservation above the small lakes. But I repeat my opinion that all the reservation embraced by the Mississippi, St. Peter's and Minnehaha, are eminently necessary for the military uses of the United States for all time to come.

I am, with respect, your obedient servant,

W. T. SHERMAN,  
*Lieutenant General.*

Brevet Major General E. D. TOWNSEND,  
*Assistant Adjutant General, Washington, D. C.*

[Extract.]

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,  
*St. Paul, Minnesota, May 26, 1866.*

DEAR GENERAL: \* \* \* \* \*

I also learn that Fort Snelling with its 6,000 acres of reserve was sold by Mr. Secretary Floyd to a Mr. Steele; that he has paid some \$30,000 of the purchase money, but has failed to pay the balance. I understand that Mr. Steele is not anxious to fulfil the terms of his purchase, because the occasion is passed. It is now too late for him to build a town there, which was his object of his purchase: for St. Paul below the Fort, and Minneapolis above, are established too well to be disturbed by a rival. The buildings at Fort Snelling are of no use except as a fort, and the land is not worth, for agricultural purposes, anything like the price Steele contracted to pay for it. But Fort Snelling is valuable to us. The government promptly took it back when the war revealed its use as a depot for the collection of volunteer troops, and on all future occasions, when troops are needed anywhere north or west of this, Fort Snelling will be found the natural point. I, therefore, recommend its retention, and that a compromise be effected with Mr. Steele. Fort Snelling will be a good point for the organization of a new regiment when the time comes, but it is of no use whatever for military defence, because there are no Indians or hostile people within 200 miles. Its only use is as a rendezvous for troops, like Jefferson barracks and Fort Leavenworth.

\* \* \* \* \*

I am truly yours,

W. T. SHERMAN,  
*Major General.*

Lieutenant General U. S. GRANT,  
*Commanding Armies of the United States, Washington, D. C.*

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
*St. Louis, Missouri, March 10, 1868.*

Official:

W. A. NICHOLS,  
*Assistant Adjutant General.*



HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
*St. Louis, Missouri, April 23, 1868.*

GENERAL: I now have the honor to enclose three maps and several papers from General Terry's headquarters relative to the military reservation at Fort Snelling.

From personal inspection and a study of the relations of the site with regard to the region of country round about to the sources of the Mississippi and to our northern national boundary, I am clear of opinion that Fort Snelling with its present reduced boundary should be held by the United States forever.

Its sale by Mr. Floyd to Mr. Franklin Steele was either in fraud, or in ignorance of its military value; but Mr. Steele is not, in my judgment, a party to the fraud. He paid \$30,000, or one-third of the money in good faith, and should receive back the same, with interest, or an equivalent. The more I study the case the more I am convinced that the United States should not further diminish that part of the reserve lying in the forks of the Mississippi and St. Peter's; but it is possible we can dispense with the 160 acres on the east of the Mississippi and the other piece of 160 acres on the south of the St. Peter's. (See map B.) The sale of these two pieces of land might realize \$6,000 or \$8,000. If, however, it be indispensable to realize out of the reservation the full sum of \$30,000 with interest, there would be no alternative but to reduce the reservation by taking a strip on the west part, similar to that indicated in map B by the dotted red line, beginning at a point on Brown's creek above the Minnehaha falls.

Fort Snelling is at the head of steamboat navigation on the Mississippi, and is the natural depot or place d'armes of that whole region; is naturally fitted for a fortification, but of no manner of use for farming, or for a town. Should the site now pass into private hands, it would have to be repurchased at some future time at a vast cost. I therefore urgently represent that we should settle with Mr. Steele on fair terms, and retain the place for military uses forever.

I have the honor to be your obedient servant,

W. T. SHERMAN,  
*Lieutenant General, Commanding.*

Brevet Major General E. D. TOWNSEND,  
*Assistant Adjutant General, Washington, D. C.*

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HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
*St Louis, Mo., March 10, 1868.*

GENERAL: I have the honor to enclose you a copy of a paper just received from Washington, which affords us the best possible opportunity to settle the long contested matter of the Fort Snelling reservation. I am positive in my opinion that Fort Snelling and all of its reservation in the forks of the Mississippi and St. Peter's will always be necessary for military purposes. I wish you would prepare a copy of the map of the reservation which I saw at the fort last summer, and make me a full report on all the points embraced in the letter of General Garfield, with copies of all papers you have bearing on the subject, that I may transmit them to the Adjutant General, with such further remarks as may be necessary at the time. I am willing to sell all the land embraced in the lines east of the Mississippi and south of the St. Peter's. If these will not, by sale, realize the \$30,000 and interest, already paid in by Steele,

we should indicate what other part of the reserve we could best part with. I want to retain all up to the Minnehaha, and out to that little lake, Harriet, I think, and then draw a line from its head to the St. Peter's, giving a couple of miles of ground up that stream. Without the map I cannot so well explain my views as if I had the map here, but you will doubtless see what I mean. Please attend to this as early as you conveniently can, as it is important the matter should be settled finally.

Truly yours,

W. T. SHERMAN,  
*Lieutenant General.*

General A. H. TERRY,  
*Commanding Department of Dakota, St. Paul, Minn.*

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HEADQUARTERS DEPARTMENT OF DAKOTA,  
*St. Paul, Minnesota, March 29, 1868.*

GENERAL: In obedience to your instructions, I have the honor to report the following data in reference to the reservation of Fort Snelling, which embrace all the information attainable here.

Upon the accompanying tracing marked A, the western and southern boundaries of the *original* reservation are shown by the dotted red lines, as the same appear upon maps on file in the office of the United States surveyor for the district of Minnesota. These lines are continued to the neighborhood of the present sites of Minneapolis and St. Anthony, and embrace a large tract along the left bank of the Mississippi river, and on the south of the Minnesota river, the latter extending to west St. Paul. The maps in the surveyor's office also show that the reservation was reduced to a tract bounded on the north by Brown's creek; on the east by the Mississippi and Minnesota rivers; south by the Minnesota river; and west by a line running north from the Minnesota river to the foot of Duck lake, and thence by Duck lake, Mother's lake, Lake Amelia, and Rice lake, and their connecting streams to Brown's creek, together with a tract of 160 acres on the left bank of the Mississippi river near its junction with the Minnesota. The western boundary thus described is indicated on the tracing marked A. There is nothing on file in the surveyor's office to show by what authority this reduction was made, or the date at which it was made.

From the accompanying map marked B, it appears that a survey was made in October, 1853, by Lieutenant J. W. Abert, topographical engineers, of a reduced reservation, which appears to correspond with the one shown by the maps in the surveyor's office.

By General Orders No. 8, of March 4, 1867, from headquarters department of Dakota, the reservation was again reduced, "subject to the approval of the Secretary of War," to a tract of one square mile, as shown by the accompanying map, marked C. That order was not approved by the Secretary, but was, by his direction, subsequently suspended.

It is inferred that the reduced reservation, as shown by the map of Lieutenant Abert, (marked B,) and by the map on file in the office of the surveyor for the district of Minnesota, is the tract claimed by Mr. Steele to have been purchased by him, and that the boundaries indicated by these maps are the boundaries of the present military reservation.

It also appears from the surveyor's maps that all the land to the north and west of these boundaries has been surveyed by the government and

laid off in sections and fractional sections, and that, on the north and east of the Mississippi river, and the south and east of the Minnesota, the same thing has been done up to the banks of the rivers, respectively, and that the portion of the reservation embraced between the two rivers and said northern and western boundary has not been so laid off.

Attention is invited to the accompanying report of Brevet Brigadier General E. B. Alexander, colonel 10th infantry, commanding district of Minnesota, and the memorandum of Lieutenant General Sherman, therewith enclosed. The map referred to in General Alexander's report is the one herein referred to, marked B.

The records and files at headquarters department of Dakota, and at Fort Snelling, have been carefully searched for the information called for in the letter of the Hon. J. A. Garfield, chairman of the Military Committee of the House of Representatives to the honorable Secretary of War, but no reports or records or other information relative to the reservation can be found, other than is contained herein and in the report of General Alexander.

I have the honor to be, general, very respectfully, your obedient servant,  
ED. W. SMITH,

*Brevet Lieut. Col., Capt. 24th Infantry, Aide-de-Camp.*

Brevet Major General A. H. TERRY,  
*Commanding Department of Dakota.*

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HEADQUARTERS DISTRICT OF MINNESOTA,  
DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minnesota, March 23, 1868.*

SIR: In obedience to instructions from your headquarters, I have the honor to transmit herewith a copy of the map of the reservation of Fort Snelling, which was shown to General Sherman at these headquarters, last summer. I also enclose, for the department commander's information, a copy of a memorandum as to the Fort Snelling reservation, made by General Sherman upon visiting Fort Snelling, July 29, 1867. With the exception of this memorandum there are no reports in regard to retaining the Fort Snelling reservation or any portion thereof, nor any papers on record relative to the sale of said reservation by the Secretary of War, either at these headquarters or at the post of Fort Snelling.

From the best information that I can obtain I think that the garrison of Snelling was withdrawn in the fall of 1857 or spring of 1858, and that the sale of the reserve took place about that time, and that the post was re-occupied by volunteers early in 1861, and has continued to be garrisoned by troops since that time.

General Seth Eastman, United States army, (retired,) can probably give information as to the sale of the reserve, as he was officially connected with the matter, and General Gorman, of Saint Paul, can give information as to the occupation of the post by volunteers in 1861. On the enclosed map the western boundary of the reduced reservation, as proposed by General Sherman, is indicated by a dotted red line, and I beg leave to remark that this reduced reservation is in my opinion the smallest suitable area (so far as relates to grazing stock kept at the depot of Fort Snelling) that should be retained.

It would be much better to retain the whole reserve, paying Steele back his \$30,000 with interest, as suggested in the enclosed memorandum of General Sherman.

Sufficient land should, under any circumstances, be retained at the

ends of the ferries across the Minnesota and Mississippi to secure to the military authorities the entire control of these ferries.

Very respectfully, your obedient servant,

E. B. ALEXANDER,

*Brevet Brigadier General, Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters Department of Dakota, Saint Paul, Minnesota.*

#### MEMORANDA OF RESERVATION OF FORT SNELLING.

Map made by First Lieutenant James W. Abot, topographical engineers, October, 1853. About 6,000 acres sold to Frank Steele for \$90,000; \$30,000 paid and \$60,000 reserved. Sale had better be cancelled, and money refunded with interest, and reserve held as now perpetually, or the reserve diminished as follows: Beginning in the middle of Mississippi, abreast of Fort Snelling; up mid-channel to mouth of Brown creek to a point 800 yards above the Minnehaha falls; thence due south, true meridian, to mid-channel of the Minnesota river, and thence down mid-channel to the cross channel above Pike's island, back to the point of beginning. Diminished reserve estimated at 3,000 acres. The 3,000 thus ceded would be worth the \$30,000 paid, and interest; or allow him credit for \$30,000 and interest, and have the parts thrown off, estimated by a board, and sold to Steele or at public auction, and applied to the debt.

[Endorsement.]

SAINT LOUIS, MISSOURI, April 23, 1868.

This memorandum was made by me when I supposed the Secretary of War would delegate to General Alexander the duty of compromising the sale without refunding the cash paid by Steele. I agree the reservation ought not to be reduced if we can possibly hold it all.

W. T. SHERMAN,

*Lieutenant General Commanding.*

ADJUTANT GENERAL'S OFFICE,

*Washington, May 1, 1868.*

True copies:

R. WILLIAMS,

*Assistant Adjutant General.*

RIVER ST. PETER, August 16, 1837.

To his Excellency MARTIN VAN BUREN,

*President of the United States:*

The undersigned citizens of the settlement near Fort Snelling beg leave to make known to you the interest they feel in the contemplated purchase of the Sioux lands in this vicinity. In 1804 a treaty was made by General Pike with the Sioux Indians, under which he purchased a certain portion of their country, extending from the falls of St. Anthony to the mouth of St. Peter's river, and the prevailing opinion has been, until very recently, that this treaty had received the sanction of government. It was under this impression that the undersigned settled upon the lands they now occupy as part of the public domain. They were permitted to make improvements and retain unmolested possession of

them for many years by the commanding officer of the post and the other officers of the government employed here, who believed the land belonged to the United States, and that the settlers were only exercising the privileges extended to them by the benign and salutary laws which have peopled the western country with a hardy, industrious, and enterprising class of citizens.

The undersigned will further state that they have erected houses and cultivated fields at their present places of residence, and several of them have large families of children who have known no other homes. All the labor of years is invested in their present habitations, and they therefore appeal to the President and Senate of the United States for protection. If a treaty should be made at Washington, as we have heard suggested, and the lands we now occupy be purchased from the Sioux for a "military reservation," we ask that a reasonable and just allowance be made us in the treaty for our improvements. We have no other homes, but will interpose no objection to the purchase of them if the public interests require it. All we ask is justice at the hands of the government, and of the Sioux Indians, who gave their sanction to our present occupancy, and have always found a friendly resting-place at our firesides.

We very respectfully submit this humble memorial to your excellency by our friend, Colonel Samuel C. Stambaugh, who is hereby duly authorized and empowered to act for us at any negotiation between the government of the United States and the Sioux nation. Knowing him, from sufficient reasons, to be anxious to preserve a proper feeling between the government, the Indians, and their relatives and friends, we most unhesitatingly invest him with full and entire power to act for us and in our names in all things as if we were personally present, pledging ourselves to rest satisfied with what he may do in our behalf. We also beg leave to refer your excellency to Governor Dodge for the truth and justice of our statements and our claims, and likewise to Major Taliaferro, agent of Indian affairs, who is acquainted with all the facts connected with our settlement upon the lands we now occupy.

All of which we respectfully submit.

his  
LOUIS X MASSEY.  
mark.

his  
ABRAHAM X PERRY.  
mark.

his  
PETER X QUINN.  
mark.

his  
ANTOINE X PAPPAN.  
mark.

DUNCAN GRAHAM.

his  
JACOB X FALSTROM.  
mark.

his  
OLIVER X CRATTE.  
mark.

his  
JOSEPH X BISSON.  
mark.

his  
JOSEPH X REASCH.  
mark.

his  
LEWIS X DERGULEE.  
mark.

Signed in presence of—

A. H. DAPPRU,  
A. ROBERTSON,  
G. N. REED,  
D. GRAHAM,

*Witnesses to signatures of all the inhabitants having improvements on military reserve not Indian traders.*

*Memorandum.*

SEPTEMBER, 1837.

The persons who sign the above memorial reside in the St. Peter's settlement, about half a mile from the fort. They are the only individuals having houses and improvements on the west side of the Mississippi river, with the exception of Mr. Baker, whose principal trading establishment is in this settlement. No others can be affected by a purchase of land necessary for a military reserve.

S. B. STAMBAUGH.

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FORT SNELLING, October 19, 1837.

SIR: Enclosed with this you will find the map which you directed me to prepare. It includes all the habitations between the canal below Pike's island and Brown's Falls creek, with the principal features of the ground topographically displayed.

The white inhabitants in the vicinity of the fort, as near as I could ascertain, are: 82 in Baker's settlement, around old Camp Coldwater, and at Massey's landing. On the opposite side, 25 at the fur company's establishment, including Terrebault's and Le Clerc's, 50. Making a total of 157 souls in no way connected with the military.

This population possess and keep on the public lands, in the immediate neighborhood, nearly 200 horses and cattle. I am inclined to believe that this estimate will fall short of the actual number.

Your obedient servant,

E. K. SMITH,  
*First Lieutenant 5th Infantry.*

Major J. PLYMPTON, *Commanding.*

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HEADQUARTERS, FORT SNELLING,  
*Upper Mississippi, October 19, 1867.*

SIR: On the 11th ultimo I had the honor of addressing you upon the subject touching the individual settlements made and being made on land which I have supposed, since the summer of 1819, to be recognized by the government to be held for military purposes alone; but, on my arrival here last August, I found much of this ground occupied by individuals not connected with the military department, which you will find indicated on the enclosed map, which I directed Lieutenant Smith to make from an actual survey, and which, from its topographical correctness and neatness, entitles him to much credit.

I instructed Lieutenant Smith, while surveying, to ascertain as nearly as possible the population and the number of cattle belonging thereto; and, as the most ready mode of conveying this intelligence to the department, I herewith enclose his accompanying letter.

Many of the buildings marked on the map are built of stone and lime, intended, evidently, for permanent residences and business.

The means I have used since my arrival here to inform myself by what authority these settlements have been made having failed, induced me to adopt the course I have taken as one called for in my official capacity.

Baker's settlement, at Camp Coldwater, is upon ground formerly cul-



tivated by the military, and I suppose it may be superfluous for me to remark here, for the information of the department, that the sparseness of timber within the space supposed to be embraced in Pike's treaty does now cause much labor and inconvenience to the garrison to obtain the necessary fuel, and should this point be required for the next 20 years for military purposes the difficulty will be great, and very much increased, by these settlements in obtaining the article of fuel, independent of the trouble to the government and its officers growing out of individual claims.

I should have directed a more extended topographical survey to have been made at this time of the country which I supposed belonged to this post, but from the supposition that the government was already minutely informed upon this point, although I have not been successful in obtaining information of this fact from any record or document in the office of this post; hence I respectfully ask and wait to be advised on the subject.

I have the honor to be, very respectfully, sir, your obedient servant,

J. PLYMPTON,

*Major U. S. Army, Commanding Post.*

Brigadier General R. JONES,

*Adjutant General U. S. Army, Washington. D. C.*

ADJUTANT GENERAL'S OFFICE,

*Washington, November 17, 1837.*

SIR: The general in chief has directed me to acknowledge the receipt of the map of Fort Snelling and its vicinity, prepared under your directions by Lieutenant E. K. Smith, and at the same time to express to you the pleasure and satisfaction it affords him to receive information of that nature.

The general agrees with you in commending Lieutenant Smith for the able manner in which that duty has been performed, and hopes that you will extend your examinations, in order that all important information as to the topography and military resources of the country, and your neighborhood, may be given to the War Department.

The map which you have sent, together with your communication, will be laid before the Secretary of War, that the necessary measures may be taken in relation to those persons residing in the military reserve.

I am, sir, very respectfully, your obedient servant,

J. N. MACOMB,

*Assistant Adjutant General.*

NOTE.—If there be no reservation already made for military purposes at your post, please to mark over what in your opinion will be necessary to be reserved.

A. MACOMB, *Major General.*

[Endorsement.]

Copy for the Secretary of War.

R. JONES, *Adjutant General.*

JUNE 3, 1842.

H. Ex. Doc. 9—2



[Order No. 65.]

HEADQUARTERS FORT SNELLING, *July 26, 1838.*

I. The undersigned having, in obedience to instructions received from the War Department, marked out a reservation for military purposes at this post, hereby forewarns all persons not attached to the military from erecting any building or buildings, fence or fences, or cutting timber for any but for public use, within said line, which has been surveyed and forwarded to the War Department subject to the final decision thereof.

II. The undersigned also forewarns and forbids all persons, whether in public or private stations, against the erection or doing anything as contained in the first paragraph of this order, for private or individual interest, directly or indirectly, within the said military reserved lines, unless special permission to do so be given by the War Department.

III. It is hereby published for all concerned, that the military commander is in the immediate command of the section of country thus marked out for military purposes at this post, so far, particularly, as relates to individuals further incumbering the ground with buildings or fences, or destroying the timber thereon.

J. PLYMPTON,  
*Major United States Army, Commanding Post.*

HEADQUARTERS FORT SNELLING, *July 30, 1838.*

SIR: I take the liberty to enclose to you herewith a copy of an order which I deemed necessary to publish to protect the land which has been marked out as a military reservation at this post against encroachments, which were every day forcing themselves upon my notice.

Without interfering with the property of any individual, I shall strictly enforce my order till the pleasure of the department shall be known upon the subject, presuming that my duty to the public and the spirit of my instructions call for such a course.

My order must, as matter of right, more particularly allude to persons urging themselves within the line at this time, than to those who I found on my arrival here last summer settled down near the fort. The authority for these settlements being made, I have to presume, is to be found or is known at the department, although I have not been successful in finding any record of it in the office of this post.

The character and extent of these settlements and improvements was given in my communication of the 19th October, 1837.

I have the honor to be, very respectfully, sir, your obedient servant,

J. PLYMPTON,  
*Major United States Army, Commanding Post.*

ADJUTANT GENERAL U. S. ARMY, *Washington, D. C.*

[Endorsement.]

HEADQUARTERS FORT SNELLING, *July 30, 1868.*

J. PLYMPTON,  
*Major United States Army, Commanding Post.*

Respectfully submitted for the consideration of the Secretary of War.

R. JONES, *Adjutant General.*

AUGUST 29.

APRIL 16, 1841.

SIR: I have considered the letter addressed to you by Inspector General Croghan under date of 14th instant, recommending a purchase by the United States of a stone house erected by the late Mr. Baker, within the military reservation at Fort Snelling, that it be then turned over to the Indian department as the agency house, or if no change should be judged advisable by the department, that it be then given to the council of administration of the post to be rented by the council as a hotel, and have the honor, in compliance with your endorsement thereon, to report that unless purchased for the Indian department I would not advise the purchase. The building appears to have been a costly one, valued at \$6,000, and if rented by the council for the purpose indicated, it would increase in time, most probably give rise to as many complaints of interfering with the police of the garrison as if permitted to be rented by Baker's representatives. It appears that Major Plympton was instructed by the War Department on the 17th October last, that the representations of December 7, that he did not think the building could be of any possible use to the post, but, on the contrary, that the post would be improved by clearing the ground of these buildings and making indemnity therefor.

It appears by this letter of Colonel Croghan to you of 30th ultimo, by K. Mackenzie's petition as trustee of Baker, and by the correspondence generally on this subject, that Mr. Baker being a licensed Indian trader, and held in estimation by the commanding officers of the post, was tacitly encouraged to build, and it is said that he did so under the belief that when the lands might be brought into market he would receive the benefits of an occupying claimant, and that this was before the first lines were seen by Major Plympton in October, 1837, of the land ceded by the Sioux in 1805.

These facts are alluded to here in order that a full view of the case may be before you, though it is believed that Mr. Baker's representatives can have no legal claim either to the occupancy of this house or to be compensated for it should it be taken down.

Your obedient servant,

The SECRETARY OF WAR.

Baker should be permitted to remove and appropriate the materials to themselves, or, if the house could be made useful to the government, to report the terms upon which it could be purchased, in order that, if thought advisable, an appropriation might be asked for the purchase, to which he replied in the——

[This letter was altered considerably in writing it out fair.]

STILLWATER, ST. CROIX COUNTY, *December 30, 1847.*

SIR: The extension of the military reservation of Fort Snelling over so large a tract of country east of the Mississippi has long been a source of serious annoyance to the business operations of the country, and is now more seriously felt owing to the great increase of business on the Mississippi above the Falls of St. Anthony. My business the present season requires several tons of supplies for lumbering operations. The erection of mills by a wealthy eastern company, at the Falls of St. An-

thony, will tend to increase the lumbering operations near fifty fold, and as a necessary consequence will increase in a proportionate ratio the amount of supplies necessary for its prosecution; therefore the additional distance which said supplies must be transported by land from what might otherwise be necessary, must fall heavily on all concerned in that business. In addition to the supplies for the prosecution of the lumbering business, the supplies for the Indian trade are very considerable, to which may be added the government supplies for the Indians that may be located west of the Mississippi above the falls, all of which, under existing circumstances, must be landed at St. Paul's, some eight miles below the head of navigation. To obviate in a degree the burdens which are thus imposed upon us, I would be much obliged to you if you could obtain from the War Department a permission to erect at the cave, three miles below Fort Snelling, a warehouse and the other necessary buildings for storing the supplies for the upper Mississippi. If the department requires it I will enter into bonds not to traffic in any manner whatever in liquor, and I will store all government property intended for the Indians on the upper Mississippi, free of expense to the department.

I have designated the cave as the point where I should like to establish, because it is the most convenient landing *below* the fort. If permission could be obtained to establish one mile above the fort, it would reduce the land transportation one and one-half miles more. An establishment at the cave, however, will shorten the land transportation over three miles, compared with the St. Paul's landing, besides obviating the expense of getting supplies up a steep and high hill.

If you will confer an obligation by making an early application to the department so that I can enter into the necessary arrangements for erecting the buildings necessary early in the spring, I shall be much obliged to you.

Respectfully, your obedient servant,

JOSEPH R. BROWN.

Hon. JNO. H. TWEEDY.

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HOUSE OF REPRESENTATIVES,

*February 15, 1848.*

SIR: I have the honor to enclose to you a letter of Joseph R. Brown, of Wisconsin, residing at or near St. Paul's, on the Mississippi, asking permission of the War Department to erect a warehouse on the military reservation at Fort Snelling, at one of two points designated in the letter.

Mr. Brown is a highly respectable merchant, old Indian trader, some years since a member of the Wisconsin legislature. I believe his statement may be relied upon as correct. I have heard from several other intelligent gentlemen, some of whom reside in, and others have travelled over the upper Mississippi country, the opinion repeatedly and strongly expressed, that the large extent of the military reservation at Fort Snelling was unnecessary to the government and garrison, and making great inconvenience and injury to the business and settlement of the country, occupying as the reserve the best and most convenient ground for a landing and town site, at the head of navigation.

Please give to this request your most favorable consideration.

I am your obedient servant,

J. H. TWEEDY, of Wisconsin.

Hon. WM. L. MARCY, *Secretary of War.*

[Endorsement.]

The Quartermaster General will please prepare a list of the military reserves which he recommends to be relinquished.

W. L. MARCY,  
*Secretary of War.*

WAR DEPARTMENT, *February 28, 18—.*

I recommend that the whole territory of the Mississippi be surrendered to the Land Department for sale. It is of infinitely more importance that we have numerous and industrious settlers on the frontiers than tracts of uncultivated land as military reserves.

If the land be not turned over for sale, I would not advise that any one be allowed to establish a warehouse on the reserve. Such a permission would be the cause of constant difficulty between the military and the citizens.

T. S. JESUP.

*February 19, 1848.*

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NEW YORK, *February 21, 1848.*

DEAR SIR: I beg leave to address you to solicit permission for Mr. Samuel J. Findley, of St. Peters, Iowa Territory, to keep the ferry across the Mississippi river at Fort Snelling; also, to erect building for a dwelling and store on the east side of the river, immediately opposite the garrison, on the military reserve. The commanding officer is willing to grant a permit to keep the ferry, but says he has no power to grant permission to build on the reserve. He refers to the Secretary of War as the only person that can grant it. It is very important that a ferry should be kept up; that point is the only acceptable way to get to the fort. I have received two or three letters from different parties recommending Mr. Findley as a very worthy, deserving man. He has been a clerk in the employment of the American Fur Company, and Mr. Steel, the sutler at the fort, for eleven years past. With the ferry alone he cannot support his family, but if he can have permission to erect suitable buildings to trade, he can get along. I feel considerable solicitude in this matter, as I am interested in that part of the country trading, and hope my request may be granted. Enclosed is a form of the permit which if you will have the kindness to sign and send to me; also, please forward a copy to the commanding officer at Fort Snelling, and most oblige

Yours, respectfully,

WM. H. RANDALL.

Hon. WM. L. MARCY,  
*Secretary of War.*

[Endorsement.]

Respectfully returned to the Secretary of War. I do not consider the reserve on the eastern side of the Mississippi necessary for military purposes. The policy would be far better to sell the land and thus invite settlers to that point.

T. S. JESUP,  
*Quartermaster General.*

Samuel John Findley, of St. Peters, has permission to keep the ferry; also to carry on merchandising, to build house or houses suitable on the

east side of the Mississippi river, immediately opposite the garrison, and on the military reserve; to continue so to do as long as he keeps in conformity with the rules and regulations of said garrison, and to continue while there is a reserve on that east side of the Mississippi river, and all in all if the commanding officer at that post has no objection.

[Endorsement.]

If the land referred to on the within is the land on which the mill was situated on Yellow river, (I know of no other,) opposite Fort Crawford, I can see of no use it is to the garrison except for the fuel that may be upon it. In contracting for fuel at this post it has been customary, I think, to allow the contractor to cut it upon the public land, which has made quite a difference in the price, as there is no wood of consequence in the immediate vicinity of the fort on the Wisconsin side. Wood in that prairie country is the heaviest item of expense in the quartermasters' department, and every year increases it. I should think it bad policy to sell this land until the post of Fort Crawford is abandoned, which as a military position I should think would not be retained much longer.

Respectfully,

P. W. PLUMMER,  
*Captain United States Army.*

I concur with Captain Plummer so far as to recommend that the post of Fort Crawford be abandoned, and that the land be sold. Settlers are more valuable to the public on the frontiers than military sites.

T. S. JESUP,  
*Quartermaster General.*

FEBRUARY 16, 1848.

Whereas the advantages of steamboat landings are of vast importance to an agricultural district, and particularly necessary to the citizens of this Territory residing near the head of the navigation of the Mississippi river; and whereas the military reservation of Fort Snelling in Iowa territory has been so surveyed as to embrace the only convenient steamboat landing east of the Mississippi for 15 miles below the head of navigation, and also includes a valuable agricultural district, much of which is under a good state of cultivation and occupied by an industrious and enterprising people, some of whom have made valuable improvements; and whereas it appears efforts are being made by the military of said fort to procure a section of the reserve as lately surveyed for speculative purposes, and without any regard to the good of the military service: Now be it

*Resolved by council and house of representatives of the Territory of Wisconsin,* That our delegate in Congress be requested to protest against the extension of the military reserve of Fort Snelling to the Wisconsin side of the Mississippi.

*Resolved,* That the governor be requested to forward one copy of the foregoing preamble and resolutions to the Secretary of War, and one copy to our delegate in Congress.

EDWARD V. WHITON,  
*Speaker of the House of Representatives.*  
JAMES COLLINS,

*President of the Council.*

Approved December 16, 1839.

HENRY DODGE.

TERRITORY OF WISCONSIN, EXECUTIVE DEPARTMENT,  
*Madison, December 17, 1839.*

SIR: In accordance with a resolution of the legislative assembly, I have the honor to transmit the enclosed copy of a preamble and resolution approved yesterday.

Very respectfully, your obedient servant,

HENRY DODGE.

Hon. JOEL R. POINSETT,  
*Secretary of War.*

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[Memorandum.]

*November 17, 1837.*—Major Plympton was ordered by department to work out the outlines of such a tract as he considered necessary for military purposes at Fort Snelling.

*March 26, 1838.*—Major P. transmitted a map of such tract, embracing a considerable quantity of land on the east side of the Mississippi river.

*July 28, 1838.*—Major P. issued a notice that military jurisdiction had been assumed over the tract marked out, and forewarning all persons against erecting any building or fence, or cutting timber, or doing anything else for private or individual interest.

*July 29, 1839.*—Commissioner of General Land Office informed War Department that instructions had been given to surveyor general to reserve the tract from sale. At this time the land had not been included in the public surveys, they not being extended so far north. The land on the west side of the river still belongs to the Sioux Indians; that on the east was acquired by the treaty with that tribe, which was ratified June 15, 1838, from which date it was binding.

*October 9, 1839.*—The order was issued directing the marshal of Wisconsin to eject the intruders from the tract reserved on the east side of the Mississippi. (See copy of order herewith.)

This order was given in consequence of letters from Major Plympton, commanding the post of Fort Snelling, Inspector General Wool and Surgeon Emerson, representing that persons were settling on the reservation in defiance of the representations and efforts of the commanding officers, and establishing whiskey shops on the east side of the river, and contaminating both the soldiery and the Indians, and urging the necessity of keeping the land clear of all such intruders.

In regard to the destruction of the buildings, the only information is contained in the report of the marshal of June 6, 1840, herewith.

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FORT SNELLING, *April 23, 1839.*

SIR: As a friend to the soldier and temperance in the army, I am induced to make to you, as head of the department to which I have the honor of belonging, a statement of our situation at this post. Since the middle of winter we have been completely inundated with ardent spirits, and consequently the most beastly scenes of intoxication among the soldiers of this garrison and the Indians in its vicinity, which no doubt will add many cases to our sick-list. The whiskey is brought here by citizens who are pouring in upon us and settling themselves on the opposite shore of the Mississippi river, in defiance of our worthy commanding officer, Major J. Plympton, whose authority they set at naught. At this



moment there is a citizen named Brown, once a soldier in the 5th infantry, who was discharged at this post while Colonel Snelling commanded, and who has been since employed by the American Fur Company, actually building on the land marked out by the commanding officer as the reserve, and within gunshot distance of the fort, a very extensive whiskey shop. They are encouraged in their nefarious deeds in consequence of letters received by them, as they say, from St. Louis and Washington, mentioning that no reserve would be acknowledged by the proper authority. If such is the fact, (which I doubt very much,) I can only say that the happiness of the officers and soldiers is at an end at Fort Snelling. In my humble opinion the immediate action of the government is called for, to give us relief in pointing out the military reserve, which ought not to be less than 20 miles square, or to the mouth of the St. Croix river, especially as the Indians are allowed by treaty to hunt on it. I am certain if the honorable Secretary of War knew our situation, not a moment's time would be lost in turning the wretches off of the reserve, who live by robbing the men of the garrison of health, comfort, and every cent they possess. Pardon me, sir, if I err in writing so, but I feel grieved to witness such scenes of drunkenness and dissipation where I have spent many days of happiness, when we had no ardent spirits among us, and consequently sobriety and good conduct among the command. May I presume to ask you to use your influence with the proper authority to mark out the reserve, and rid us of those harpies or whiskey sellers who destroy the health of the soldiers, and consequently their usefulness to their government and country.

With great respect, I have the honor to remain your obedient servant,

J. EMERSON,

*Surgeon United States Army.*

THOMAS LAWSON,

*Surgeon General United States Army.*

The immediate action of the government is called for in this matter.

E.

MAY 25, 1839.

Respectfully referred to the honorable Secretary of War.

B. KING,

*Acting Surgeon General.*

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[Unofficial.]

WASHINGTON, February 11, 1839.

DEAR SIR: As you have now under consideration a proposition for a military reservation at Fort Snelling, I again very respectfully submit the memorial of the inhabitants residing within the limits of the reserve, which I had the honor of laying before you prior to the Sioux treaty of September, 1837, but was not then acted upon.

The memorial speaks for itself, and I would not act as the representative of the memorialists if I were not convinced that their claims are founded on justice, and their improvements secured to them by a custom which has grown into common law in all cases of this character. Independent of the legal right, however, I believe that humanity and good policy will secure to them a reasonable allowance for the improvements and privileges they are willing to abandon. The memorial is signed by all the settlers on the west side of the Mississippi with the exception of



Benjamin F. Baker, who has also authorized me to make known the terms to you upon which he will dispose of his improvements should the public interests require his removal from the reservation. He is largely engaged in the Indian trade, and has erected commodious dwelling and storehouses which may be valuable to the Indian department for agency buildings.

There are three or four settlements on the east side of the Mississippi river, but as it was not supposed that an attempt would be made to extend the reservation across the river, the settlers did not join in their memorial. Nor was it thought by any one that the line would cross the St. Peter's. There is land enough on the west side of (or between) these rivers, in the Indian country, to make a reservation of any extent, which will not be bounded by western settlers for a long time.

You will perceive by an examination of the survey and plat before you that the line as run is both awkward and unnatural. It commences some distance above the Falls of St. Anthony on the west side of the Mississippi, but instead of crossing immediately and traversing the country to strike the angle of the river below the fort, it runs along the west side about three miles below the falls, where it crosses the river, and thence strikes across the country to Carver's Cave, which is three miles below Fort Snelling by the course of the river.

The land, embracing the Falls of St. Anthony, on the east side of the river, has, since its purchase by the United States, been improved by settlements so as to secure a pre-emption, and it is now held in possession by Doctor Wright, Franklin Steele, and myself, (one half section,) and one section by Major Plympton, Captain Scott, and Doctor Emerson. These settlements include the best positions immediately above the reservation as surveyed. If the military reservation is made to include Carver's Cave, below Fort Snelling, it will embrace all the steamboat landings on the Mississippi river along a distance of twenty miles below the falls, as the country is broken and swampy nine miles below the cave, and hence no steamboat landing can be procured by settlers within a distance of twelve miles below Fort Snelling, and the rapids produced by the falls will prevent boats ascending above the reservation line. The property, therefore, in which I with others claim to have an interest, would be greatly enhanced in value by a military reserve, which would place our claim most contiguous to the fort. But I believe the military service cannot be benefited by such a measure, and the adoption of it would produce universal dissatisfaction when the country comes into market, and would now be a great mortification and inconvenience to visitors, who will crowd the Falls of St. Anthony during the summer months if houses for their accommodation can be erected in the vicinity of Fort Snelling. The bluffs of the river immediately opposite the fort are very high and difficult of ascent, and the current of the river strong and deep. They are exposed to the eye of the sentinel for more than a mile up and down the river, so that no soldier can cross and enter a house on the opposite side without detection. Whereas, if settlers are forced back into the interior, out of sight and beyond immediate investigation, they will be of an inferior class, and can, if so disposed, bring whiskey in kegs into the forest, within a short distance of the fort, with but little risk.

Another reason is assigned for extending the military reserve to the east side of the river; that is, to secure a sufficient quantity of wood for the use of the garrison. I do not know how the department may hereafter determine to furnish the frontier posts with fuel; but without presuming to prescribe a mode, I with due respect venture to give as my opinion that the present mode is objectionable in a variety of respects.

Your enlisted men on the northern frontier are now little more than *laborers*. Nearly half their time is occupied in providing fuel and hay. Thus, I believe, they lose the pride of a soldier, and become discontented and inefficient. Besides, if it is necessary to keep up a large military force on our frontier to preserve peace, they should always be in camp ready to do their duty, and I believe true economy would be advanced by this course, as difficulties are sometimes produced by sending frequent fatigue parties into the Indian country. But if the troops are still required to procure fuel, there will be no difficulty for a great many years to come in getting it on Indian or unoccupied public land on the Mississippi and St. Peter's rivers.

The same objections exist to the extension of the reserve beyond the St. Peter's river. In a year or two, in all probability, the Indian title will be extinguished on that side of the river, so as to secure both sides of the Mississippi, and the citizens of Iowa territory will extend their settlements to the rich valley of the St. Peter's. If, therefore, the line is established as surveyed, it will take in all the boat landings near the junction of the St. Peter's and Mississippi, and the people of Iowa can have no town or depot within from 10 to 15 miles distance, centred by this important point.

I have taken the liberty of submitting to you these undigested remarks because I know that the extension of the military reserve for Fort Snelling beyond the Mississippi and St. Peter's will give great dissatisfaction to the people who go to purchase land and settle in that country. I have heard but one opinion expressed concerning it from all who have visited that place since I have been there. The United States Commissioners, Judge Pease and General Ewing, who were there last summer after the survey was made, expressed the same opinions here given. If a military force must be kept up at a heavy expense to preserve peace between the Indians and our own citizen settlers, the latter should not be thrown out of sight and out of hearing of that protection, but, as is usual, the first settlers should be permitted to locate as near that protection as possible. As the line has been run by the survey now before you, with the Mississippi and a forest of several miles intervening, an Indian force can intercept all communication with the fort, and the inhabitants may be massacred before the military can be apprised of the attack. Whereas, if the settlements would border on the river they could furnish a shelter for those in the interior, and be covered by a six-pounder from the fort. A friendly intercourse and feeling would thus also be kept up between the military and civil power, which is a matter of the highest importance in times of Indian troubles.

Any other matters concerning this reservation that may have been omitted I will explain if called upon to do so.

I have the honor to be, very respectfully, your friend and obedient servant,

S. C. STAMBAUGH.

Hon. JOEL R. POINSETT, *Secretary of War*.

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HEADQUARTERS, ST. LOUIS, MISSOURI,  
June 28, 1839.

SIR: I avail myself of the first moment to report my visit and inspection of the garrison of Fort Snelling on the 2d instant. The known industry and vigilance of Major Plympton is a guarantee that his troops and post were in as good order as the means in his power would permit.

My object, however, at this time is to call your attention particularly to his peculiar situation in regard to the Indians and white inhabitants who are permitted to occupy the country surrounding his post. The views of Major Plympton on this subject have been on several occasions presented to the War Department, and at length in his communication of the 11th March last, and which, from my own observation, I am confident are correct, and if not attended to in due season his predictions in relation to the Indians and whites will be verified.

The white inhabitants, aware of the large amount of money annually paid by the United States to the Indians residing in that region of country, avail themselves of the means in their power, confident of the protection of the government, of introducing at all points, and within half a mile of Fort Snelling, intoxicating liquors, which is no less destructive to the discipline of the troops than hazardous of the peace and quiet of the country. Such is the character of the white inhabitants of that country, that if they cannot be permitted to carry on their nefarious traffic with the Indians, it will sooner or later involve them in a war with the United States. If the government would avoid such a result, it should immediately adopt measures to drive off the public lands all white intruders within 20 miles of Fort Snelling, and prohibit intoxicating liquors from being introduced into the Indian country or on lands not sold by the United States.

Again, it is well known that the Sioux and Chippewas have been at war from time immemorial, and no prospect of its termination or of peace being established between the two tribes. The introduction of whiskey, which is as common almost as water, by no means tends to lessen their national hatred; on the contrary, it prompts collisions and war, and consequently a source of constant and increasing anxiety to the commanding officer, which no vigilance can guard against. The sacrifice of blood and treasure in the late war in Florida ought at least to admonish us that we ought to be on our guard, and by timely measures prevent similar results.

On my return from Fort Snelling I inspected Fort Crawford, commanded by Brigadier General Brooke. It affords me great pleasure to be enabled to say that I found his garrison and post in all respects in high order. I can truly say I have inspected no post in my recent tour that will compare with it, either for arrangement, discipline, or police.

In addition to the above I would call your attention to the necessity of enlarging the barracks of Fort Snelling. I found Major Plympton repairing the quarters, which are contracted and only intended for the accommodation of companies 56 strong. The increased size of the infantry companies renders their enlargement indispensable, and which I recommended to have commenced immediately. The estimated expense, agreeably to paragraph 16 of the inspector's department, I have this day forwarded to the quartermasters' department.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,

*Brigadier General United States Army.*

Major General A. McCOMB,

*General-in-chief United States Army.*

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GENERAL LAND OFFICE, June 3, 1842.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, on the subject of the military reservation at Fort Snelling, on the upper Mississippi, and the eviction of the settlers there-

from by the military, requesting information for the committee as to the extent of the reservation, and the time or times at which, and the authority under which, the same was made; also, whether at the time of the passage of the pre-emption law of 1838 the lands in question were subject to be settled upon by virtue of its provisions?

In reply, I herewith transmit copies of the following papers, which will afford all the information in this office as to the extent of the reservation, the time of making it, and the authority under which it was made.

1. Letter from the Secretary of the Treasury to this office, bearing date the 15th July, 1839, ordering the reservation to be made.

2. Letter from the Secretary of War to the Secretary of the Treasury, bearing date the 13th July, 1839, and its enclosures, a letter with a map, from Major Plympton, dated 26th March, 1838, recommending the reservation.

3. Commissioner's letter to the Secretary of War, bearing date the 29th July, 1839, informing him of the action taken by this office.

4. Commissioner's letter to the Secretary of the Treasury, of the 8th October, 1839, in reply to the request of the acting Secretary of War, relative to intruders.

In reply to your question concerning the right of individuals to settle the above lands, I have to state, that the fort being situated on the west side of the Mississippi river, on lands to which the Indian title was not extinguished, no rights of pre-emption attached thereto, and no formal reservation was made thereof, other than what would be authorized by the President's general order of the 22d March, 1838, (a copy of which is also herewith enclosed, marked No.5.)

The lands east of the Mississippi were not liable to settlement under the act of the 22d June, 1838. That act required settlement for four months previous to the 22d June, 1838, on public land, and specially provided that "the act should not be so construed as to give a right of pre-emption to any person or persons in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made."

The Indian title to the lands east of the Mississippi river was not extinguished until the 15th of June, 1838, just one week prior to the passage of the act of 22d June, 1838, and therefore the lands acquired by that treaty are excluded from the operation of that act.

I deem it proper to mention that this office had no action in the eviction of the settlers from the reservation, that being a matter under the control of the War Department.

I am, sir, very respectfully, your obedient servant,

JOHN M. MOORE,  
*Acting Commissioner.*

Hon. JACOB M. HOWARD,  
*Committee on Public Lands, House of Representatives.*

P. S.—A copy of this communication has this day been transmitted to the honorable Secretary of War.

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GENERAL LAND OFFICE, June 3, 1842.

SIR: For the information of the department, I have the honor to transmit herewith a copy of my communication of this date to the Hon. J. M. Howard, of the Committee on Public Lands in the House of Representa-

tives, in reply to his inquiries concerning the military reservation at Fort Snelling on the upper Mississippi, and the rights of individual settlers thereon.

I am, sir, very respectfully, your obedient servant,  
 JOHN M. MOORE,  
*Acting Commissioner.*

Hon. J. C. SPENCER,  
*Secretary of War.*

#### LANDS AT FORT SNELLING.

The first paper in point of date which I find is a memorial of Graham and others, all the settlers not Indian traders, 16th August, 1837, addressed to the President of the United States. The next is a letter from Major Plympton, commanding, addressed to Adjutant General Jones, and dated 19th October, 1837; alludes to a letter of 11th ultimo, touching settlements on land which, since the summer of 1819, he had supposed held for military purposes alone. I enclose a map made by Lieutenant Smith; by his order many of the buildings marked on the map are stone and lime. Baker's settlement, at Cold Water, is on land formerly cultivated by the military. Great difficulty from those settlements in obtaining fuel within the space supposed to be embraced in Pike's treaty; asks advice. I enclose also letter from Lieutenant Smith, which says that there are 82 white inhabitants in Baker's settlement, 25 at Massey's landing, and 50 at Faribaults.

The next is a letter from same to same, dated March 26, 1838, enclosing a map of the reservation, which he had prepared by Lieutenant E. K. Smith. This map embraces but part of the lands east of the Mississippi, afterwards recommended to be retained.

The next is a letter from same to same, 30th July, 1838, enclosing copy of notice, which he has published, forbidding further settlements.

The next is a communication from Colonel Stambaugh to the Secretary of War, dated February 11, 1839, referring to the memorial addressed to the President on the 16th August, 1837, (first above-mentioned,) and in which he, Stambaugh, urges many things in its favor.

The next is a long letter from Major Plympton, dated March 11, 1839, to Adjutant General Jones, giving a history of the settlement; detailing the evils resulting therefrom; refers to the survey sent in his letter of 25th March, 1838; recommends an extension of the limits marked on the map then sent, &c.

The next is a report from Inspector General Wool to General McComb, 28th June, 1839, corroborating the views expressed by Major Plympton in his letter of 11th March, and urging many additional reasons.

The next, a letter dated April 23, 1839, from Assistant Surgeon Emerson to Surgeon General, speaking of scenes of drunkenness from proximity of whiskey settlers. Hopes the military reserve may be marked off and intruders expelled. Thinks that not less than 20 miles square is wanted, and that it ought to extend down to the mouth of the St. Croix.

Copy of letter from Secretary of War to Secretary of Treasury, 13th July, 1839, transmitting Major Plympton's letter of 26th March, 1838, and the map, and requesting that that part *east* of the Mississippi marked by double red lines be reserved from sale. (This recommendation does not embrace one-fourth of the distance to the St. Croix.)

Letter from Commissioner of General Land Office to the Secretary of War, 29th July, 1839, saying that he has given the instructions requested.

(On the envelope of these papers is a note made in War Office, "see letters to Major Plympton and Marshall of Wisconsin, 21st October, 1839.")

Letter from Major Plympton to Adjutant General, 27th November, 1839, transmitting a further map by Lieutenant Thompson. (This map embraces more territory, both east and west of the Mississippi, than the former maps.)

Further letter from same to same, December 4, 1839; refers to the map sent the 27th ultimo, and which he finds is in accordance with requirement of section 7; says Mr. Baker's buildings at Cold Water are of considerable value, all others at that point are log cabins; suggests that all power be taken from commanding officers to allow citizens to reside; suggests that Indian agency be removed outside the reservation, unless it be thought better to remunerate the Fur Company for their buildings and establish the agency there.

Letter from Governor Dodge, of Wisconsin, to Secretary of War, 17th December, 1839, transmitting resolutions of legislative assembly protesting against the reserve of Fort Snelling being extended to the Wisconsin side of the Mississippi.

Letter from Hon. J. D. Doty to Secretary of War, 12th January, 1840; refers to above and argues against the extension of the reserve into Wisconsin.

Letters from the Marshal of Wisconsin (E. James) to Secretary of War, 18th February, 1840, acknowledging instructions of 21st October, 1839, to remove intruders. Has not yet received the request of commanding officer, but will attend to the duty whenever required.

Letter from Hon. Isaac Parrish to Secretary of War, 21st January, 1841, asking by what title government claims ground on which Fort Snelling stands, and wherein it differs from Faribault's claim.

Copy of reply of Secretary, 22d January, 1841. Title from treaty with the Sioux Indians, 23d September, 1815. Mr. Faribault's claim is based upon convention held with Sioux by General Leavenworth, August 9, 1820, which was not ratified. Report to a report by him on Faribault's claim, 4th January, 1840. Document No. 82, House of Representatives, first session twenty-sixth Congress.

Letter from Inspector General Croghan to Secretary of War, 14th April, 1841, describing the late Mr. Baker's house at Fort Snelling; advises the purchase of it for the Indian agency, but if no change should be deemed advisable by the Indian department, then to pass into the hands of the council of administration to be rented as a hotel, and thereby relieve the officers of the garrison from the heavy expenses they have to incur from visitors.

This letter referred to this and the Indian department for a report thereon.

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WAR DEPARTMENT, *July 13, 1839.*

SIR: I have the honor to request that the Commissioner of the General Land Office may receive your instructions to withhold the sale of so much of the government land, lying on the east side of the Mississippi river in the vicinity of Fort Snelling, as is included within the double red lines marked on the accompanying map, the same being required for military purposes at that post.



I also transmit herewith for your perusal the letter of Major Plympton, dated Fort Snelling 26th March, 1838, transmitting the map above referred to.

Hon. L. WOODBURY,  
*Secretary of the Treasury.*

GENERAL LAND OFFICE,  
*July 29, 1839.*

SIR: I have the honor to state, for the information of your department, that in pursuance of an order from the Secretary of the Treasury of the 15th instant, and in accordance with the request contained in your communication to him of the 13th instant, which was referred with its enclosures to this office, I have this day communicated instructions to the surveyor general at Dubuque, accompanied by a copy of the diagram transmitted with Major Plympton's letter of the 28th of March last to the Adjutant General, to return so much of the government lands lying on the east side of the river Mississippi, in the vicinity of Fort Snelling, as is included within the *double red line* on the map, to be withheld from sale and reserved for military purposes at that post. These lands being situated a very considerable distance north of the public surveys, and being not yet attached to any land district, the surveyor general is the only officer who can at present be instructed in reference to the reservation.

According to Major Plympton's statement the line of demarcation does not appear to have been actually surveyed. In order to prevent any disputes hereafter, I would respectfully recommend that his suggestion to have the lines run and marked under the direction of the War Department may be carried into effect, and a copy of the survey furnished to this office, for the information of the surveyor general, when the adjacent public lands shall be surveyed.

Major Plympton's letter and the map are herewith returned.

I am, sir, your obedient servant,

JAMES WHITCOMB, *Commissioner.*

Hon. JOEL R. POINSETT,  
*Secretary of War.*

HEADQUARTERS FORT SNELLING,  
*November 27, 1839.*

SIR: I have the honor to transmit to you herewith a duplicate map of the survey of the military reservation at this post by Lieutenant Thompson, agreeably to my order, which was in accordance with the directions of the department.

The red lines show the boundaries of the reservation, and which are comfortable to the survey of Lieutenant Smith, with this slight difference, that in his survey the principal lines from river to river were necessarily (from the season and weather) left imaginary, which upon an actual survey will be found (to embrace the necessary woodland and to preserve the cardinal points) to cross the Mississippi a little further down than that imaginarily indicated on the map of Lieutenant Smith's survey.

It was also thought important to follow these lines, that when the country should be surveyed, the military survey east of the Mississippi might harmonize with that of the general survey of the country.



The limits of the reservation as now marked embrace no more ground, I conceive, than is absolutely necessary to furnish the daily wants of this garrison, and could they be extended further into the country on the east side of the river it would no doubt add to the quiet of this command.

So far as relates to the promptness and accuracy of this survey of Lieutenant Thompson, I feel myself competent to decide that it entitles him to much credit. As to the execution of the map I leave it with more competent judges to decide upon its merit, which I hope will arrive safe.

Very respectfully, I am, sir, your obedient servant,

J. PLYMPTON,

*Major, United States Army, Commanding Post.*

Brigadier General R. JONES,

*Adjutant General U. S. A., Washington, D. C.*

WASHINGTON CITY,

*December 22, 1854.*

SIR: In reply to your inquiry in regard to the reserve for military purposes at Fort Snelling, I have the honor to state that the late General Pike (then Lieutenant Pike) obtained a grant of a reserve from the Indians by treaty concluded at or near the mouth of St. Peter's or Minnesota river on the 23d of September, 1805, extending from below the junction of that river with the Mississippi to and including the Falls of St. Anthony, and nine miles on each side of the Mississippi river. (See paper A.)

On the Indian title to the whole country around Fort Snelling being extinguished, a reserve was made, but the extent of it is not known at this office; the limits, however, are designated on a map sent to the Adjutant General's office by Major Plympton on the 27th of November, 1829, and he states that the said reserve was made in accordance with the directions of the department.

The reduction was made under an act of Congress of the 26th of August, 1852, which defined the new boundary; the quantity of land with the boundary not known.

It is not known to what extent settlements have been made, though it is known that trespassers are on the land. I know of but one person who had authority to go upon the land, (Mr. Smith, formerly a member of Congress from Illinois;) he was allowed the temporary use of the public buildings and mill at the Falls of St. Anthony, but with the distinct understanding that he was to surrender possession when required.

I submit the letter of Major (or Colonel) Plympton, and I have the honor to be, sir, your obedient servant,

THOS. S. JESUP,

*Quartermaster General.*

JEFFERSON DAVIS,

*Secretary of War, Washington, D. C.*

HEADQUARTERS FORT SNELLING,

*December 4, 1839.*

SIR: I enclosed to you on the 27th ultimo a map of the survey of the reservation for military purposes at this post, which I find (by the receipt of instructions received last night from the honorable Secretary of

War) to be in accordance with the requisition of the department. In my letter of advice of the 27th ultimo, I remarked that, to save trouble in a future survey of the country, the lines of demarcation on the east side of the Mississippi to embrace the land required were controlled by the cardinal points.

It having been decided by the government that the country (in this vicinity) west of the Mississippi was Indian, or yet held by Indian tenure, it was thought advisable to be governed in the survey only by the wants of the garrison, and not to go beyond the spirit and meaning of Pike treaty of 1805.

Allow me further to remark, that the buildings at Camp Cold Water, of Mr. Baker's, are of considerable value; all others at that point may be considered of little value, and are temporary log cabins, generally in a state of rapid decay. I would suggest that no discretionary power within the reservation, in permitting citizens to reside upon it, be vested in the commanding officer. The wants of the military in the range of country at all the frontier posts are limited, yet the public interests should be arbitrarily marked by the government touching the commanding officer's powers and citizen intruders.

And, sir, allow me also to suggest the propriety of removing the Indian agency without the military reserved line; I think it will be better for the agent, military, and Indian, unless it may be deemed by the government advisable to remunerate the fur company for their buildings on the west side of the Mississippi and St. Peter's rivers, and for the time being establish the agency at that place; this would separate the Indian concerns from the military by the St. Peter's river and clear the reservation of individual interest. The fur company's establishment, being in good hands to-day, does not control the changes that will take place, hence we cannot tell what to-morrow will bring forth.

If individuals are permitted to own houses on the reservation, they, no doubt, will presume upon the right to rent them to suit their interest, hence, the public interest will suffer in fuel, &c., and military quiet.

I have the honor to be, very respectfully, sir, your obedient servant,  
J. PLYMPTON,

*Major U. S. A., Commanding Post.*

Brigadier General R. JONES,  
*Adjutant General U. S. A., Washington, D. C.*

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*Extract of a letter addressed to Major J. Plympton, commanding Fort Snelling, upper Mississippi, dated War Department, October 17, 1840.*

"With respect to the buildings erected at Camp Cold Water by B. F. Baker, deceased, if they were put up at his own expense, and there was no stipulation entered into that at his death, or in case of his abandonment of them, they were to revert to the government as its property, his legal representatives may be permitted to remove them and appropriate the materials to themselves; or if they can be made useful to the government you will ascertain the terms upon which they can be purchased and report them to the department, in order that, if thought advisable, an appropriation for that purpose may be asked of Congress."

H. Ex. Doc. 9—3

*Extract of a letter addressed to the War Department by J. Plympton, dated Fort Snelling, December 7, 1840.*

"With respect to the buildings erected by B. F. Baker, deceased, at Old Camp Cold Water, I have to report that, from all the information I have been able to obtain, I am convinced that he entered into no stipulation with the government, through its officers, but built them upon a supposed or assumed right which a licence to trade with certain Indians delegated to him. Under all the circumstances, it appears to have been an extravagant range of imagination that should have induced him to erect a large stone dwelling house at this place. I am not able to report to the department any possible use it can be to this post; on the contrary, in a military point of view, I do think the post would be improved by clearing the ground of the buildings; but, rather than individuals should hold an interest in them, I would recommend that an indemnity be made by the government."

AN ACT to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, required to cause the lines of the present military reserve at Fort Snelling, in the Territory of Minnesota, to be so contracted as to embrace the following boundaries, to wit: Beginning at the middle of the channel of the Mississippi river below Pike's island; thence ascending along the channel of said river in such a direction as to include all the islands of the river to the mouth of Brown's creek; thence up said creek to Rice lake; thence through the middle of Rice lake to the outlet of Lake Amelia; thence through said outlet and middle of Lake Amelia to the outlet of Mother lake; thence through said outlet and the middle of Mother lake to the outlet of Duck lake; thence through said outlet and the middle of Duck lake to the southern extremity of Duck lake; thence in a line due south to the middle of the channel of the St. Peter's river; thence down said river so as to include all the islands to the middle of the channel of the Mississippi river, reserving further, for military purposes, a quarter section on the right bank of the St. Peter's river, at the present ferry, and also a quarter section on the left bank of the Mississippi river, at the present ferry across that stream.

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office be, and he is hereby, required to cause to be surveyed, as soon as practicable, so much of the lands heretofore included in the military reserve aforesaid, but without the limits of the said military reserve aforesaid, as defined by this act, as have not already been surveyed, and to cause the same, together with such of said lands as have been so surveyed, with the exceptions hereinafter set forth, to be sold at public sale, under the direction of the President of the United States.

SEC. 3. *And be it further enacted,* That the land on which the establishment of the fur company is situated, known as Mendota, with the settlements immediately around the same, not exceeding three hundred and twenty acres, be, and the same is hereby, reserved from sale during the term of one year after the lands surrounding the same shall be offered for sale; and the proper authorities are hereby authorized, at any time during said year, to enter the same for a town site, agreeably to and in

accordance with the terms and conditions of "An act for the relief of the citizens of towns upon the lands of the United States under certain circumstances," approved May twenty-third, eighteen hundred and forty-four.

SEC. 4. *And be it further enacted*, That the lands comprised within the limits of said reserve be, and the same are hereby, annexed to and made a part of the Chippewa land district, in said Territory of Minnesota.

Approved August 26, 1852.

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GENERAL LAND OFFICE, *March 16, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, directing the reservation of lots Nos. 1, 2, 3, and 4, in section 28, township 28 north, range 23 west of the 4th principal meridian west of the Mississippi river, near Fort Snelling, Minnesota Territory, for the ferry at that post, and cancelling the survey heretofore made for the purpose at that point under the direction of the department.

I herewith transmit, for the information of the department, a copy of the map of section 28, showing by the blue shades the lots reserved as above, and have to state that the necessary instructions have this day been issued to the surveyor general at Dubuque and the land officers at Stillwater to protect the lands from sale or entry.

I am, very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

Hon. J. DAVIS, *Secretary of War.*

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WASHINGTON, *January 12, 1840.*

SIR: The legislative assembly of Wisconsin has, by a resolution, approved by the governor on the 16th of December, 1839, requested me to protest against the extension of the military reservation of Fort Snelling to the Wisconsin side of the Mississippi river, with which I have now the honor to comply.

A question of some importance will arise if the reservation is made, which I beg leave to state: The United States may reserve any portion of its lands from sale, but can it extend a military jurisdiction over so large a tract of country as is embraced in the limits of this reservation by the simple declaration that it is necessary for military purposes?

A Territory is a State under a temporary form of government. It may be doubtful with some whether Congress may exercise exclusive jurisdiction over this reservation, the purchase having been made without the consent of the legislature of that State. Against the exercise of that jurisdiction the legislative power of that State now protests.

The subdivisions of the Territory northwest of the Ohio are denominated States in the ordinance of 1787. And in the third section it is ordained that "the laws to be adopted or made (by the legislature) *shall have force in all parts of the district.*" It also requires the governor "to lay out the parts of the district, in which the Indian titles shall have been extinguished, into counties and townships." An exclusive military jurisdiction would be incompatible with the exercise of this power by the territorial government.

I am advised that a copy of the resolution of the assembly of Wisconsin has been forwarded to the War Department, and I beg leave to refer to the reasons therein stated.

I have the honor to be, sir, with great respect, your obedient servant,  
J. D. DOTY.

Hon. J. R. POINSETT, *Secretary of War.*

MINERAL POINT, WISCONSIN TERRITORY,  
February 18, 1840.

SIR: By the evening's mail I have received your instructions of October 21, 1839, relative to the removal of intruders at Fort Snelling. The delay of their receipt has, doubtless, been occasioned by their being directed to Peru, which is in Iowa Territory.

I have not as yet received any request from the commanding officer of that fort, but shall promptly attend to the duty whenever required.

Very respectfully, your obedient servant,

EDWARD JAMES,  
*Marshal of Wisconsin.*

Hon. J. R. POINSETT.

HOUSE OF REPRESENTATIVES,  
February 15, 1849.

DEAR SIR: I wish to lease for five years the government house, and old grist and saw mill, on the west side of the Mississippi river, opposite the falls of St. Anthony. I shall move into the Territory of Minnesota after the adjournment of Congress, and I wish to procure this house for my family to live in, and to fix up the old grist mill to grind corn and other grain, there being no grist mill now in that region of the country.

I am, very respectfully, your obedient servant,

ROBERT SMITH.

Col. WM. MEDILL,  
*Commissioner of Indian Affairs.*

[Endorsement on above.]

OFFICE INDIAN AFFAIRS,  
February 22, 1849.

Hon. Robert Smith, House Representatives, February 15, 1849. Wishes to lease the government house and mill opposite falls of St. Anthony, &c.

Respectfully referred to the Quartermaster General, and Hon. Mr. Smith so informed.

W. MEDILL.

Book 30, c. 453. Received February 20, 1849; acknowledged February 22, 1849.

The Secretary of War consents that the Hon. Mr. Smith may be allowed to occupy the building and the mill on such terms as the commanding officer at Fort Snelling shall think right; Mr. Smith to hold the property as the tenant of the public, and under the obligation to return it to the quartermaster or commanding officer, should it be required for military purposes, at the end of one or more years, as the commanding officer may decide.

T. S. J.

MARCH 3, 1849.

FORT SNELLING, MINNESOTA TERRITORY,  
April 12, 1849.

GENERAL: Your letter of March 3, 1849, in relation to the occupancy of the house and mills, opposite or on the west side of the falls of St. Anthony, was received by the last mail.

I have never been to these mills, (having come here late in the fall,) but am told the mill site is an admirable one. The public has erected there one dwelling house, a corn mill, with one pair of burrs, which I suppose capable of making good flour, and a saw mill, this not in a running condition. The dwelling house requires many repairs.

The corn mill is used for the purpose of cracking corn, or coarsely grinding it, for cattle. This is indispensably necessary for cattle in the fall, spring, and winter, at least six months in the year. Cattle are delivered here by contract early in the fall, for the supply of the troops with fresh beef; to these, the oxen at work at the post, horses and mules, the mill furnishes ground stuff for food.

When Mr. Smith arrives here I will turn over to him the mills, to be held until further instructed from Washington, with the condition that he is to grind for the post such quantities of grain as will be required for the purposes above mentioned.

I think this post is destined to be one of much importance to the United States as a depot, &c., in which event it might be desirable to have this mill, as the winters are so terribly severe, and stock require their food to be thus prepared.

Giving such holds upon the reserve are sometimes difficult in the undoing, and, as I do not expect to be in command here long, I would prefer not entering into the arrangement without definite instructions from Washington.

I would suggest that Mr. Smith be required to pay a reasonable percentage upon the appraised value of the improvements made there by the United States, besides the condition mentioned above that I will require of him: to hold it, subject to a new agreement at the end of each year with the commanding officer, and when it is surrendered by him to be in as good a condition as it now is, his repairs, &c., reverting to the United States.

With due respect to Mr. Smith, I doubt much if his aim, in wishing to settle there, is not in the expectation that the reserve will be taken off.

Respectfully, your obedient and humble servant,

S. WOODS,

*Brevet Major Commanding Fort Snelling.*

General T. S. JESUP,

*Quartermaster General, Washington City.*

QUARTERMASTER GENERAL'S OFFICE,  
March 3, 1849.

SIR: The Secretary of War consents that the Hon. Robert Smith be allowed to occupy the buildings and the mill on the west side of the Mississippi river, opposite the falls of St. Anthony, on such terms as you may think right; Mr. Smith to hold the property as the tenant of the public, and render the obligation to return it to the commanding officer or quartermaster, should it be required for military purposes, at the end of one or more years, as the commanding officer may decide.

THOS. S. JESUP, *Quartermaster General.*

Captain S. WOODS,

*Commanding at Fort Snelling, Iowa.*



ALTON, *September 16, 1849.*

SIR: In March last, before leaving Washington, I obtained, through the Quartermaster General, General Jesup, permission to occupy the old government house, and to repair and put into operation the old mills built by the government on the west bank of the Mississippi river, at the falls of St. Anthony, Brevet Major Wood, then commanding at Fort Snelling, to fix the rent which I was to pay for the same. Major Wood put me in possession of the property in May last, and fixed my rent. I did not deem it necessary to request any written permission to cultivate ground around and near the mill, as in my talk with Major Wood I understood him as encouraging me to put into cultivation a large farm, and I made my arrangements to do so, and when I returned in July with my team and implements of husbandry, Colonel Loomis, then in command at the fort, thought that as my lease did not say anything about ground or farming, he could not allow me to use any more than ground enough for a garden unless I procured special permission from the department at Washington. I have delayed writing, thinking that I would visit Washington this month, and intending to make my application in person, but circumstances prevent my going, and I would now solicit permission to make a farm adjoining the mill. The mills and house were in a dilapidated condition, and would soon have fallen down. There was no mill for grinding corn or wheat in the region of the falls or the fort. I am repairing the mills and the house at considerable expense, and, in order to carry them on at all profitably, I must have ground to raise something to live upon. I cannot cross the river and back with my team without paying one dollar. Provisions are dear and scarce, while there are tens of thousands of acres of excellent land, with no one within six or seven miles (on the same side of the river) cultivating an acre.

I am now buying corn and provisions to carry up the river, when, if permitted, I could raise enough for myself, and supply the fort with many things at much less price than they are now obliged to pay.

I shall at all times comply strictly with the army rules and regulations, and do all in my power to promote the interests of the government, and I cannot but believe that it will be decidedly for the interests of the government to permit me to make a farm adjoining the mill.

Not having the pleasure of a personal acquaintance with you, I would beg leave to refer you to the Hon. Jacob Collamer, or to any of the members from Georgia in either the 28th, 29th, or 30th Congress.

I shall remain here until the middle of October, and wish you to send an answer to this letter here.

I have the honor to be, very respectfully, your obedient servant,  
ROBERT SMITH.

Hon. G. W. CRAWFORD,  
*Secretary of War.*

[Endorsement on the above letter.]

Respectfully returned to the Secretary of War. I would not advise any permission to clear and cultivate land on the military reserve, but upon the condition that the land thus cleared shall be given up when required for military purposes, and even with that restriction I would advise that the matter be referred to the commanding officer at Fort Snelling.

THOS. S. JESUP,  
*Quartermaster General.*

OCTOBER 4, 1849.

WAR DEPARTMENT, *October 19, 1849.*

The commanding officer at Fort Snelling may arrange with Mr. Smith for the use, determinable at the pleasure of the department, of a portion of the military reserve, the rent of which will be accounted for to the treasury through the quartermasters' department.

G. W. CRAWFORD,  
*Secretary of War.*

QUARTERMASTER GENERAL'S OFFICE,  
*October 20, 1849.*

COLONEL: Mr. Robert Smith having applied to the Secretary of War for permission to cultivate a portion of the public land near the old mill, which has been leased by him, the Secretary has, on my recommendation that the matter be referred to the commanding officer at Fort Snelling, decided that "the commanding officer at Fort Snelling may arrange with Mr. Smith for the use, determinable at the pleasure of the department, of a portion of the military reserve, the rent of which will be accounted for to the treasury through the quartermasters' department." Should you think proper to grant Mr. Smith the privilege he asks for, on the payment of any rent, I wish you would direct the acting assistant quartermaster at the post to receive and account for the amount as directed by the Secretary of War.

THOS. S. JESUP,  
*Quartermaster General.*

Lieut. Colonel G. LOOMIS,  
*Commanding Fort Snelling, Minnesota Territory.*  
No report received in reply.

WASHINGTON, *February 7, 1853.*

SIR: In May, 1849, I became the tenant of the government, and took possession of an old house and mill, on the west border of the Mississippi river at the falls of St. Anthony, it then being a "military reserve," pursuant to instructions from your department to Captain S. Wood, commanding at Fort Snelling, bearing date March 3, 1849. At the last session Congress passed a law reducing the reserve, and directing the Commissioner of the General Land Office to have the same surveyed and sold. The house and mill occupied by me, by virtue of your letter of March 3, 1849, to Captain Wood, is on that portion from which the reserve has been removed.

I therefore wish to purchase the buildings belonging to your department. I applied to Colonel Lee in September last to purchase them, but he said he had no authority to act in the matter, but would write you on the subject. Having heard nothing from him, I have thought it best to address you in relation to the matter. I am willing to pay the full value of the buildings belonging to the government, and will be willing that the quartermaster in charge at Fort Snelling may value the property.

Will you please give me answer to this at your earliest convenience.

I have the honor to be, your obedient servant,

ROBERT SMITH.

General T. S. JESUP,  
*Quartermaster General United States Army.*

HALL HOUSE OF REPRESENTATIVES,  
February 5, 1851.

SIR: Enclosed I send you a printed copy of a bill, which has passed the Senate and is now before the House of Representatives for action, which concerns your department, and there is nothing before our committee showing any knowledge of the department about this movement. Under these circumstances I desire to know whether it is the wish of the department to have the military reserve of Fort Snelling curtailed; and if so, whether in the manner prescribed in the first section of their bill. Secondly, whether there are any persons in possession of the public property seeking pre-emption under this bill of the military tract by leave or permission of the department, as seems to be contemplated by the fifth section; together with all information in possession of the department relative to this application, with the opinion of the department on the subject.

I would like also to have a copy (rough) of the plat of the military reserve.

Please answer this at your earliest convenience.

Yours,

JAS. B. BOWLIN,  
*Chairman Committee on Public Lands.*

Hon. C. M. CONRAD,  
*Secretary of War.*

WAR DEPARTMENT,  
Washington, February 6, 1851.

SIR: In accordance with the request contained in your letter of the 5th instant, relative to the sale of a portion of the military reserve at Fort Snelling, as contemplated by a Senate bill now pending before the House of Representatives, I have the honor to enclose to you copies of all such papers as are of record in this department, as will put you in possession of the action heretofore taken by the department in this matter.

You will also find enclosed copies of a letter which I yesterday addressed to the Hon. M. Sibley upon the same subject, together with a map of the military reserve at Fort Snelling.

With great respect, your obedient servant,

C. M. CONRAD,  
*Secretary of War.*

Hon. J. B. BOWLIN,  
*Chairman Committee Public Lands,  
House of Representatives.*

HEADQUARTERS FORT SNELLING,  
Minnesota Territory, August 20, 1851.

The agent of the Sioux stationed at St. Peter's has informed me that an extensive movement is on foot amongst the people of the Territory to build pre-emption cabins and establish claims on the Indian lands west of the Mississippi river. These lands have just been yielded by the Sioux in the treaty just concluded with them by the commissioners; but the treaty has not been laid before the Senate for ratification.

I report this information received from the Indian agent, in order that

I may receive the instructions of the commander of the department relative to the course I am to pursue if called on by the Indian department to remove these trespassers from the Indian lands. I would think it unnecessary to refer the matter at all, were it not that in a not dissimilar case, that of the Menomonees in Wisconsin, the government declined to take any action, while at the same time they acknowledged it a case of some importance. I await the order of the department commander for my guidance.

I have the honor to be, sir, very respectfully, your obedient servant,

FRANCIS LEE,

*Lieutenant Colonel 6th Infantry,*

*Brevet Colonel U. S. Army, Commanding Post.*

Captain IRVIN McDOWELL,

*A. A. G., Sixth Department, Jefferson Barracks, Mo.*

A correct copy:

S. B. BUCKNER,

*Second Lieut. 6th Infantry, Brevet Captain, Post Adjutant.*

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HEADQUARTERS FORT SNELLING,  
*Minnesota Territory, August 23, 1851.*

SIR: I have the honor to enclose for the information of the War Department a copy of a communication which I addressed, on the 20th instant, to the assistant adjutant general of the sixth military department, on the subject of a contemplated movement on the part of a large number of the citizens of the Territory, for the purpose of making claims on the lands recently ceded by treaty, but still occupied by the Sioux Nation of Indians. Since the date of that communication I have noticed such indications of the extent of the contemplated movement as to have impressed me with the belief that it is my duty to report the matter directly to the headquarters of the army for the information of the Secretary of War. On the 21st instant there appeared in the Minnesota Pioneer a notice in the following words, signed by some of the most prominent men in the Territory:

**TERRITORIAL CLAIM ASSOCIATION.**—The male resident citizens of legal age of this Territory are requested to meet in their respective precincts at the last place of holding elections, on the first day of September next, to appoint delegates equal in number to twice their representation in the legislature, to meet in convention in St. Paul on the 10th day of September next, for the purpose of forming a territorial claim association, to regulate claims to be made upon the lands lately treated for by the United States with the Sioux Indians.

Signed by R. Kennedy, L. A. Babcock, H. M. Rice, T. A. Holmes, J. C. Ramsey, James Beattie, C. W. Borup, Lott Moffett, A. L. Larpenteur, Alex. Wilkin, M. S. Wilkinson, G. W. Farrington, B. W. Brunson, W. B. Dodd, J. W. Bass, D. A. J. Baker.

I am ignorant of the precise object of this association, but it seems to be of so extensive a nature, and to have such direct reference to lands which are still Indian territory and over which the laws of the general government alone have force, that I have thought it necessary to report the matter at once to the department, in order that it may take such measures as the case may require. The agent of the Sioux resident at St. Peter's has informed me that many persons are already making out

claims on the Indian lands. I respectfully request the instructions of the department with regard to my action, with the force at my disposal, if I am called upon by the Indian agent to remove these trespassers from the Sioux territory.

I am, sir, very respectfully, your obedient servant,

FRANCIS LEE,

*Lieutenant Colonel 6th Infantry,*

*Brevet Colonel U. S. A., Commanding Post.*

Brevet Major General R. JONES,

*Adjutant General U. S. A., Washington, D. C.*

[Endorsement.]

ADJUTANT GENERAL'S OFFICE, *September 5, 1851.*

Respectfully submitted to the Secretary of War.

L. THOMAS,

*Assistant Adjutant General.*

Copy furnished to the Department of the Interior.

JOHN POTTS.

SEPTEMBER 10, 1851.

HEADQUARTERS FORT SNELLING,

*Minnesota Territory, August 21, 1851.*

SIR: Considering the efforts which have been made during the two sessions of the last Congress, to reduce, within very narrow limits, the military reservation attached to this post, I consider it not improper in me, as the commander of the troops at Fort Snelling, to represent to the Department of War, through the commander of the army, my views on the subject of this reduction. I think it the more necessary that the department should be fully informed on this subject, as another attempt will doubtless be made during the approaching session of Congress to procure action on a bill to this effect.

The treaty concluded in 1805, between Lieutenant Z. M. Pike and the Sioux of the Mississippi, yielded to the United States a tract of land "from below the confluence of the Mississippi and St. Peter's rivers, up the Mississippi to include the Falls of St. Anthony, extending nine miles on each side of the river." From the survey of the reserve made in 1839, under the direction of Major Plympton, in pursuance of orders received from the War Department and a copy of which "survey" was forwarded to the War Office, it will be seen that the line of the reserve begins above the Falls of St. Anthony, and passes in a southwesterly direction through a chain of lakes, distance of some five miles; then turning in a southeastern direction and keeping a general distance of about six miles from the fort, crosses the St. Peter's river; thence it pursues an eastern direction little more than a mile; and from that point follows in a broken line in a northeastern direction the course of the St. Peter's and Mississippi rivers and about a mile distance from them; until, turning in a northern direction, it meets the latter river just opposite the present town of St. Paul. That portion of the reserve on the left bank of the Mississippi is included in the great bend of that river opposite this fort, and is bounded on the north by an irregular broken line. That portion of the reserve contains an area of perhaps four or five square miles. The area of the entire reserve is probably not less than 40 square miles.

A larger reserve than that actually surveyed seems to have been contemplated in the conference held with the Sioux by Lieutenant, afterwards General Z. M. Pike. At that early time, when this point was so remote from any white settlement—and even upon the establishment of the post in 1819, a very large reserve was necessary. It was essential in a military point of view, for a small number of troops, isolated in the Indian country, to have the exclusive control of a large territory in their vicinity, in order to prevent any permanent collection of a large body of Indians, who might at any time become hostile, within striking distance of the fort. By restricting the limits of the reserve under such circumstances, the facilities for surprise would be much increased. For many years after the establishment of the post, the country for a great distance to the south remained almost in a wilderness condition; and it is only within a few years past that any settlements of importance have been made thus high up the Mississippi river.

The necessity for a large reserve has therefore continued until the present time; but that portion of it on the east bank has already been reduced in limits. But within the past three years the population, though still not numerous, has increased in a surprisingly rapid ratio, and some of the chief reasons for maintaining a large reserve no longer exist. It has ceased to furnish, in a great measure, the wood which is used at the post. The Indian country around it has just been yielded by treaty to the United States, and our frontier will soon be extended to the west. In a comparatively short time the tide of emigration will have rolled past and left it an isolated tract in the midst of civilization; a country of wild prairie unimproved by the hand of agriculture. The soil on many portions of the reserve is of a most excellent description, and calculated to tempt the eye of the industrious farmer as well as of the speculator. The land is situated near points of commercial importance, and as the country grows in population must continue to increase in value. The knowledge of this fact has induced the strenuous efforts which have been made to reduce the area of the reserve, and which will continue to be made until the object sought to be attained shall be wholly or partially successful. It appears to me, that while it is very natural that many efforts should be made to induce the government to relinquish, for purposes of agriculture, a portion of its territory which offers such fair promise to the holder, the interests of the government itself should not be lost sight of by those who may be desirous of acquiring these lands. As an officer of the general government, I think this would be done, in a reduction of the limits to the bounds prescribed in the bill which was discussed before the last Congress. That bill contemplated a reduction of the reserve to one square mile, included in the angle between the Mississippi and St. Peter's rivers above the island known as Pike's island. The line of the reserve would have been little more than half a mile from some of the buildings of the post, and would not have been more than about two-thirds of a mile from the centre of the parade, the fort being situated about a third of a mile from the junction of the St. Peter's with the Mississippi river. The line would have run very near the post gardens, and might possibly have cut off a small portion of the government farm at the post. It would certainly have prevented the possibility of materially enlarging it. It would have thrown beyond the limits of the reserve almost every foot of meadow land; and would not only have prevented the possibility of making an ounce of hay, but would also have taken away, in a great measure, the pasturage essential to the public horses and cattle in use at the post. It would have restricted the boundaries of the reserve in such a degree as to have exposed the enlisted men of the command to every



species of temptation from those who have already shown too ready a disposition to interfere with the discipline of the garrison. It would have yielded into private hands the opposite bank of the St. Peter's and Mississippi rivers; thus depriving the post of half the advantages of its position. It would have given up the whole of Pike's island, below which is the actual junction of the two rivers, and the head of which is immediately under the walls of the fort.

The narrow branch of the Mississippi which separates it from the fort is passable on the ice during more than four months of the year, and is so shallow in low water that it can frequently be forded with the utmost ease. On one or two occasions its bed has been entirely dry. The island is subject to overflow, but is yet so elevated that huts could be erected on it and inhabited 10 or more months in the year. It is the very place for a rendezvous for that class of persons who subsist on the means of the soldier by exciting the worst passions of his nature and furnishing the means of gratifying them. It is useless in an agricultural point of view, on account of the time of the overflow; but it is of use to the government as pasturage, besides its being essential in a military point of view.

I can, therefore, see no reason for yielding it. On considering the reduction of the military reserve the chief principle involved is the question of utility. Would a greater general good result from yielding up the reserve than by retaining it in the possession of the government? Has the Territory reached that date of advancement which requires an additional extent of lands to support its dense population?

Is the military point occupied by Fort Snelling of such little consequence that it could be yielded without detriment to the public interests? If not, what extent of territory is essential, as a reserve, in order to protect the interests of the United States?

From reasons heretofore advanced, I am of opinion that the reserve is larger than the interests of the government require at this time; and, though the people of the Territory have no right to demand from the United States the surrender of the reserve, a portion of it might be thrown into market with much benefit to this section of the country.

The upper and lower parts of the reserve, points the most distant from the fort, are at present unimportant to this post in a military point of view; but being situated immediately opposite two of the most important places in the Territory, would be of great value to them. The wood having been exhausted from that portion of the reserve west of the post, a portion of that also might be yielded; and a great portion of the reserve on the east bank of the river, and which is already surveyed, could be thrown into market without injury to the military interests. Such a course would be acting in accordance with the liberal spirit which the government has invariably pursued in its relations with this Territory; but I think that while so many thousands of acres of lands, equal in quality to that on the military reserve, remain uncultivated within a short distance of the principal towns, the people cannot demand as a right the yielding of any portion of the reserve into their possession; unless on the principle that the government having never refused them a favor before, it is expected it will continue to comply with their caprices.

The importance of Fort Snelling as a military point is universally conceded, and any proposition for its abandonment will find favor only with those whose immediate interests will be favorably affected by the relinquishment of the post. In this way private interests may bring much political weight to bear on the reduction of the reserve within very

small limits, a reduction which would not only greatly impair, but would entirely destroy the usefulness of the post. To be capable of active efficiency at this point the reserve should be of such dimensions, and its lines of demarcation should be so placed, as to give entire control, with the smallest means, of the junction of the two rivers. I conceive that this cannot be properly done without exclusive possession of the island. It should also be able to control the passage of both rivers. This cannot be accomplished without the means on either bank of effecting the crossing or of preventing it. This will involve the necessity of a reservation of territory on each bank of both rivers. The reserve should be of such dimensions as to be capable of being thrown as much as possible on its own resources. It should be capable of furnishing lands in such quantity as the government might choose to cultivate. It should, if possible, furnish springs of pure water necessary for the comfort and health of troops which might be assembled in any numbers. It should be able to furnish pasturage for cavalry horses and public cattle in such numbers as the interests of the service might at any time require to be concentrated here. It should produce forage in quantities sufficient for their sustenance in winter. If possible, it should have a boundary defined by natural objects, enclosing an area of convenient dimensions and suitable shape for all that is required for the post, without reserving too much from the wants of agriculture. I conceive that all these objects can be attained by the adoption of the following named lines for the boundary of the reserve: Beginning at the middle of the channel of the Mississippi river below Pike's island; thence ascending along the channel of said river in such a direction as to include all the islands of the river to the mouth of Brown's creek; thence up said creek to Rice lake; thence through the middle of Rice lake to the outlet of Lake Amelia; thence through said outlet and the middle of Lake Amelia to the outlet of Mother lake; thence through said outlet and the middle of Mother lake to the outlet of Duck lake; thence through said outlet and the middle of Duck lake to the southern extremity of Duck lake; thence in a line due south to the middle of the channel of the St. Peter's river; thence down said river so as to include all islands to the middle of the channel of the Mississippi river; reserving, further, for military purposes, at least a quarter of a section on the right bank of the St. Peter's at the present ferry, and at least a quarter of a section on the left bank of the Mississippi river at the present ferry across that stream. I think the boundary thus defined is essential to the interests of this post and to the military interests of the government in this quarter. I deem a reserve of dimensions about equal to that which I propose necessary, not only at the present time, but in all times to come. I cannot foresee a time when this post will cease to be a depot of posts, which will soon be established towards the headwaters of both rivers which meet at this point. Supplies, munitions, troops destined for these posts, must necessarily pass this point, and at many seasons of the year would meet with much detention here. It is virtually the head of navigation, and being a central point is the fittest for the collection of troops in any force. It is the only post in the northwest where cavalry can be maintained with economy for a number of years. It is the basis of all movements that are hereafter to be made towards the Red River of the North, and of a connection between the Missouri river and the great lakes.

I am thoroughly convinced that it would not be to the interests of the government to yield any portion of the territory within the limits I have recommended as a boundary. They hold possession of it now, and no interests are suffering by that tenure. It would, perhaps, be better for the

prospective interests of a few individuals if the United States were to restrict the limits of its jurisdiction within the very narrowest bounds. But is it not enough to have thrown open to industry and speculation the millions of acres of fresh lands which have just been negotiated for, besides the vast abundance of untouched soil which is already in market in this vicinity; and cannot the general government be permitted to reserve for its own purposes, out of this vast extent of territory, a few square miles of land. As was remarked in a communication of one of my predecessors in command, a few square miles of territory, more or less, are of little importance to a populous State, while the same extent of territory, in a favorable location, might be of incalculable advantage to the United States.

I would, therefore, earnestly recommend to the department the consideration of this subject in order that its efforts may be employed to secure to the United States a reserve of convenient size for military purposes at an important post, while at the same time it will act with justice and liberality to other departments in yielding up such portions of the present reserve as it may not consider essential for its purposes.

The certainty that a strenuous effort will be made during the approaching session of Congress by a number of individuals to reduce the military reserve about this post, within limits which will prove fatal to its utility, has induced me to offer my views on this subject to the department. In doing so I trust that no apology will be deemed necessary, as I am actuated solely by a sense of duty and by considerations of the good of the military service.

I am, sir, very respectfully, your obedient servant,

FRANCIS LEE,  
*Lieut. Col. 6th Inf., Brevet Col. U. S. A.,  
Commanding Post.*

Brevet Major General R. JONES,  
*Adjutant General U. S. A., Washington, D. C.*

A true copy:

JNO. C. KELTON,  
*Brevet 2d Lieut. 6th Inf. and Post Adjutant.*

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HEADQUARTERS SIXTH DEPARTMENT,  
*Jefferson Barracks, Missouri, September 9, 1851.*

COLONEL: Your letter of the 20th of August last, asking for instructions relative to trespasses on the Indian territory, was received, and the general's decision in the case endorsed thereon; but, instead of being returned to you as directed, it was sent by mistake of the clerk to the headquarters of the western division. I now hasten to send you a copy of the decision, which is as follows:

Brevet Colonel Lee will act in relation to the matter herein submitted according to the instructions and orders heretofore existing, and will continue to do so till the treaty with the Sioux shall be ratified by the Senate, as, until then, it is not an act which he can officially recognize.

I have the honor to be, colonel, very respectfully, your most obedient servant,

IRVIN McDOWELL,  
*Assistant Adjutant General.*

Brevet Colonel LEE,  
*Lieut. Col. 6th Inf., Commanding Fort Snelling, M. T.*

[Endorsement.]

HEADQUARTERS SIXTH DEPARTMENT,  
*Jefferson Barracks, September 11, 1851.*

Duplicate respectfully furnished for the information of the headquarters of the army.

N. S. CLARKE,  
*Colonel 6th Inf., Brevet Brig. Gen. Commanding.*

HEADQUARTERS FORT SNELLING,  
*Minnesota Territory, August 24, 1851.*

SIR: I have the honor to transmit, for the action of the department commander, a report on the proposed reduction of the military reserve attached to this post. Though no such report has been required of me, I feel authorized by the importance of the military interests involved to present to the department my views on the subject, with the object of preserving to the United States such an extent of territory as will subserve the military interests involved, without any unnecessary detriment to the agricultural and commercial interests.

I trust the general will forward the report, with such remarks as the case may appear to him to demand.

I am, sir, very respectfully, your obedient servant,

FRANCIS LEE,

*Lt. Col. 6th Inf., Brevet Col. U. S. A., Commanding.*

Captain IRVIN McDOWELL,

*A. A. G. Sixth Department, Jefferson Barracks, Mo.*

[Endorsements.]

Respectfully returned to the adjutant general.

The settlements having extended far beyond Fort Snelling, there will soon be no use for a garrison at that place. All that will be necessary will be ground and buildings for a storehouse.

THOS. S. JESUP,

*Quartermaster General.*

NOVEMBER 25, 1851.

I concur with the general of division, (Twiggs.) Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

DECEMBER 26, 1851.

WAR DEPARTMENT,  
HEADQUARTERS SIXTH DEPARTMENT,  
*Jefferson Barracks, September 11, 1851.*

Report referred, and respectfully recommended to the favorable consideration of the War Department.

N. S. CLARKE,  
*Col. 6th Inf., Brevet Brig. Gen., Commanding.*

HEADQUARTERS WESTERN DIVISION,  
*New Orleans, October 4, 1851.*

This report is approved, and respectfully forwarded for the information and action of the War Department.

D. E. TWIGGS,  
*Brevet Brigadier General U. S. A.*

ADJUTANT GENERAL'S OFFICE,  
November 6, 1851.

Respectfully referred to the Quartermaster General for his examination and remarks, before being submitted to the General-in-chief.

He is further requested to mark on his map of the reserve at Fort Snelling the extent of the public domain, should it be reduced as herein proposed.

R. JONES, *Adjutant General.*

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FORT SNELLING, MINNESOTA TERRITORY,  
November 14, 1851.

GENERAL: The original of which the enclosed is a copy was forwarded to the headquarters sixth military department on the 21st of last August. Its receipt has never been acknowledged, and I am fearful it may have miscarried. It is too late now to transmit it through the prescribed channel to reach Washington in season. I therefore have the honor to forward it direct, believing I am justified in doing so, as it is all-important that it should be laid before the Military Committee of Congress at as early a period as practicable, as doubtless the reduction of the reserve to the minimum limit will be pushed forward at a very early period of the session, and with determined vigor.

There is one other point in relation to reserved land here, not noticed in the enclosed report, which I consider of much interest to the government, and which I will now take occasion to represent. There is no wood land on the proposed reserve; indeed there is very little on the present reserve, as large as it is, so little that all the wood burned by the troops at this post is cut from off Indian land, some three miles beyond where the new reserve will be bounded west, and just outside the present reserve. It is cut by the troops and hauled about eight miles. Now, unquestionably, as soon as the Senate confirm the late treaty with the Sioux Indians, squatters will take up the whole of this wood land, and indeed all the most valuable wood land about the country. Wood will then be scarce, and government will have to pay very high for it, between \$4 and \$5 per cord. It is so crooked and poor too, a species of scrub oak, the regulation allowances will scarcely satisfy one-half the necessary demand.

I would therefore respectfully suggest that some means be taken to exempt from squatting, or entry in any way, three or four sections of wood land lying southwest of Fort Snelling, just west of Grass lake and the Lake of the Woods, (see map of the military reserve of Fort Snelling,) and just outside the western boundary of the present reserve.

The less this reservation is made, government will have to pay pretty dear for their fuel, which would seem unjustifiable when it now perhaps can be so easily prevented.

The western boundary of the new reserve runs due south from the extreme south end of Duck lake, (see map,) some three or four miles from the proposed wood land reservation. To include this wood land in the proposed Fort Snelling reservation, (as it might seem it should be,) would take in some three or four miles of country totally useless for government purposes, and this might endanger getting a needful respectable reserve, asking beyond a necessity, rather than it should be so, the reserve proper brought down to the proposed limits of last year's bill,



the reservation of this wood land had better be given up. All of which is respectfully submitted.

General, I have the honor to be, very respectfully, your most obedient servant,

FRANCIS LEE,

*Lieut. Col. 6th Inf., Brev. Col. U. S. A., Commanding Post.*

Brevet Major General R. JONES,

*Adjutant General U. S. A., Washington, D. C.*

WAR DEPARTMENT,

*Washington, June 29, 1852.*

SIR: In reply to your letter of yesterday, in which you asked the permission of this department to settle upon and occupy certain portions of land included within the military reserve at Fort Snelling, I beg leave to say that the department has recommended that the limits of the reserve be restricted, and a bill has been introduced in the Senate for that purpose.

No permission will be granted to settle on that portion of the reserve which will be retained. As regards that portion which it is proposed to exclude from the reserve, permission to occupy small portions of it would be granted, provided that it may be recommended by the commanding officer. I would observe, however, that the bill above referred to directs that the land excluded from the reserve be immediately sold, and makes no provision for persons who have, with the permission of the department, occupied any portion of it. In case it should pass in that form such persons would not only have no preference over other purchasers, but would lose the cost of their improvements.

Very respectfully, your obedient servant,

C. M. CONRAD,  
*Secretary of War.*

GEORGE L. BECKER, Esq.,  
*Washington City.*

The undersigned, for himself and others, propose to pay, and hereby offer, the honorable Secretary of War, for the lands included in the Fort Snelling reservation, \$15 per acre.

Said purchase to include all improvements on said reservation; the United States to have free of charge the use of the fort and all other buildings belonging to the government, including — acres of land so long as in the opinion of the War Department they shall be required for military purposes; said fort, buildings, improvements, and land so reserved, to be under full control of the department during said term.

The reservation, including the overflowed lands, amounting to about 5,000 acres, at \$15 per acre, will amount to \$75,000.

The undersigned, for himself and others, also propose to take it at the above estimate and pay therefor the sum of \$75,000; payment for the whole to be made at once if the proposition —

WAR DEPARTMENT,

*Washington, June 29, 1852.*

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H. Ex. Doc. 9—4



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Very respectfully, your obedient servant,

C. M. CONRAD,  
*Secretary of War.*

C. D. FILLMORE, Esq.,  
*Washington, D. C.*

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ST. PAUL, August 14, 1852.

DEAR SIR: The undersigned, your petitioner, would take the liberty of addressing this to your honor to ask the privilege of a permit to locate upon the military reserve at Fort Snelling, as your petitioner is informed that it is within the province of your honor's office to grant such a permit.

Your petitioner would beg leave to state that from the glowing accounts of Minnesota that filled the newspapers some two years since, he was induced to migrate hither, from the State of New York, and found all of the land good, bad, and indifferent, within 15 miles of St. Paul, pretty much held by speculators, except the reserve, and that he located himself about 16 miles from St. Paul, and after laboring hard and investing his little all in a home he is about to be turned out of it by a greedy speculator, who took advantage of a little informality in the claim.

Your petitioner thinks, while the officers at the fort grant permits to rich speculators, who have filled their pockets out of the public lands and hold all the choice locations, to the exclusion of the poor actual settler, and allow such speculators to send on hordes of squatters to occupy the reserve, that he might be allowed to locate upon the said reserve, especially as he wishes it for a home, and not for speculation but for his own use, if it should be thrown into market.

Your petitioner would therefore humbly ask that your honor would be pleased to grant him permission to settle upon some unclaimed portion of said reserve if compatible with duty.

All of which is respectfully submitted by your humble servant,

FRANK GILMAN.

HON. SECRETARY OF WAR,  
*Washington, D. C.*

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ST. PAUL, MINNESOTA, August 21, 1852.

MY DEAR SIR: Entertaining a desire to establish a stock farm in this vicinity, and supposing the value of the adjoining public lands might be promoted by it, I beg leave to request permission from your department

to enter upon section nine or near it, so far as it may not be occupied by previous claims, in that portion of the military reservation around Fort Snelling, on the east side of the Mississippi. The district has been surveyed, but has never been used for military purpose.

I wish, also, to be allowed permission to cut hay from the natural meadows and to erect a house for the manager of my stock, who will assist in supplying the fort with beef.

As the season for securing hay is passing away I shall be indebted to your kindness for an early compliance with my request.

I have the honor to be, with great respect, your friend and servant,  
C. S. TODD.

Hon. C. M. CONRAD,  
*Secretary of War, Washington.*

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[Private and confidential.]

ST. PAUL, MINNESOTA, August 27, 1852.

MY DEAR SIR: To provide against the contingency of my letter of the 21st instant not reaching you, I beg leave to repeat my request to be allowed permission from your department to enter upon that part of the military reservation around Fort Snelling which lies east of the Mississippi, for the purpose of establishing a stock farm.

To effect the object I ask permission to cut hay and erect a house for my manager, who will cultivate a portion of the soil.

This district has never been used for military purposes; the natural meadows being too remote from the fort and on the opposite side of the river. I have supposed the improvements I design making will not only add to the value of the adjacent public lands, but afford facilities for a more economical supply of beef to the fort in consequence of the large number of cattle I shall prepare for the market.

I do not make the request as a case of first impression, but only follow the precedents that have already occurred in reference to the establishments on the reserve on the west side of the river, which has been always used for military purposes. Many houses are now standing upon that part of the reserve, and numerous portions are under cultivation by virtue of permissions granted by the commanding officer of the fort at various periods; and it is known to the department that Mr. Robert Smith, Alton, 700 miles from the district, obtained from Secretary Marcy permission to occupy a point below the falls of St. Anthony, where a government mill had been erected, under the intimation, which was a mere pretext, that he might supply the fort with corn-meal, which property, according to the contingent sale already made of the greater part of this claim, is supposed to be worth \$25,000; and I have understood, although I do not know the fact, that Mr. Fillmore, a brother of the President, has a permission from your department of the kind I solicit.

Mr. Smith is a prominent opponent of the present administration, and nearly every commander of the fort and nine-tenths of the present occupants under military permission are of the same politics, and I mention these facts as my reason for applying directly to the department rather than to the commander of the fort. If Mr. Secretary Marcy could give permission to Mr. Smith, a non-resident, I consider my claim as having more force, seeing I am a citizen of the Territory and have my family with me. Nor do I suppose that my support of the administration, nor my services in the war of 1812, will give me less favor with you than Mr. Smith obtained with Secretary Marcy for a permission granted at

the close of an expiring administration, and which Mr. Smith has retained through an entire whig administration.

I beg leave to add that the season for making hay is rapidly passing away, and therefore appeal to your friendship for an early compliance with my request.

I have the honor to be, with great respect, your friend and servant,  
C. S. TODD.

Hon. C. M. CONRAD,  
*Secretary of War, Washington.*

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*List of papers relative to sale of Fort Snelling.*

Two letters of Archibald Graham, agent of F. Steele, dated September 5th and 25th.

Attorney General's opinion, dated September 28, 1857.

Map of Fort Snelling reserve.

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WAR DEPARTMENT, *December 20, 1854.*

DEAR GENERAL: The Secretary wishes to get the following information in relation to the reserves at Tampa Bay and Fort Snelling:

What was the original size of each before this reduction? When were they reduced—and whether, before reduction, they were actual reservations, or only occupations?

Mr. Lee would also like to know what settlements or improvements have been made by citizens on the Fort Snelling reserve.

Yours respectfully,

A. CAMPBELL.

This information is desired as soon as you can give it conveniently.

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MENDOTA. M. T., *July 17, 1857.*

SIR: As a resident of this village, having a deep interest in the prosperity of the surrounding country, and especially of the military reservation about Fort Snelling, I drop you this to ascertain from you when the lands included in said reservation are to be sold; and if sold, whether the sale will be public or private? I am a farmer adjoining the reservation, and if the lands are to be sold would like to purchase a small tract adjoining my present premises for cultivation and improvement. An early answer is respectfully solicited.

Very respectfully, your obedient servant,

J. M. HOLMES.

Hon. JOHN B. FLOYD,  
*Secretary of War, Washington, D. C.*

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WAR DEPARTMENT, *August 31, 1857.*

The Secretary of War desires to be informed what is the distance from St. Paul to Fort Snelling.

Has any part of the Fort Snelling reserve ever been sold or otherwise disposed of? If sold, at what price per acre?

What military reserves have been sold within the last 20 years, and at what prices?

NEBRASKA CITY, *May 13, 1858.*

RESPECTED SIR: We have in the reserve opposite this city, in Iowa, township 68, ranges 43 and 44, a case where some diligence on the part of the War Department will be required, else, as in the "Fort Snelling case," the end for which the reserve was made will not be sure.

Be pleased at the suggestion of your humble servant to put the honorable Secretary of War, (J. B. Floyd,) in possession of this information, as only special legislation on the part of Congress can confirm the titles of those who now seek it; large rewards are offered, and officers high in charge are well feed.

Respectfully, your obedient servant,

ALBERT L. COLLINS.

The President, Hon. JAMES BUCHANAN,  
*Washington, D. C.*

Respectfully returned to the Secretary of War.

QUARTERMASTER GENERAL'S OFFICE, *June 18, 1858.*

The reserve referred to in this letter is supposed to be opposite to old Fort Kearney. This reservation, long since abandoned, has been surveyed and sold as other public lands. The issue of the patents, however, seems to have been suspended because the lands had not been formally transferred to the Department of the Interior. The matter is before Congress and a bill has been reported for the relief of the purchasers by confirming the entries.

By order.

E. J. SIBLEY,  
*Major and Quartermaster.*

GENERAL LAND OFFICE, *September 3, 1852.*

GENTLEMEN: The act of Congress, approved 26th ultimo, entitled "An act to reduce and define the boundaries of the military reserve at the St. Peter's river in the Territory of Minnesota," reserves for military purposes "a quarter section on the left bank of the Mississippi river at the present ferry across that stream." The position of that ferry is not indicated on any map in this office; it may be, however, opposite the road indicated on the official plat, of which an extract is herewith transmitted. You are requested to report to this office the quarter section embraced by this provision of the act in order that the same may be reported to the Executive for formal reservation. In case the ferry should be, as conjectured, opposite the road laid down on the accompanying sketch, a technical quarter section is not found in place and therefore it will become necessary to submit for approval the four tracts shaded blue in the enclosed diagram to be described as follows, viz: Lot number 2 containing  $32\frac{86}{100}$  acres to lot number 3 containing  $38\frac{50}{100}$  acres, the southeast quarter of the northwest quarter containing 40 acres, and southwest quarter of the northeast quarter containing 40 acres, all of section number 21, in township number 28 north of range number 23, west of the fourth principal meridian, making an aggregate of  $151\frac{36}{100}$  acres; or possibly you may see reason to prefer lots 1 and 2

with the southeast quarter of the northwest quarter, making an aggregate of  $126\frac{22}{100}$  acres, in either case the selection would be in lieu of a full quarter of 160 acres.

I am, very respectfully, your obedient servant,

JOHN WILSON,  
*Acting Commissioner.*

REGISTER AND RECEIVER,  
*Stillwater, Minnesota Territory.*

LAND OFFICE, STILLWATER, MINNESOTA TERRITORY,  
*September 19, 1852.*

SIR: Your letter of the third instant, in relation to the "Act to reduce and define the boundaries of the military reserve at the Saint Peter's river, &c.," is received. In reply we beg leave to state that in our opinion the quarter section embraced by the provisions of the act referred to, is the one indicated on the diagram enclosed with your letter and described as follows:

Lot number 2 containing  $32\frac{86}{100}$ , lot number 3 containing  $38\frac{50}{100}$  acres, the southeast quarter of the northwest quarter containing 40 acres, and southwest quarter of the northeast quarter containing 40 acres, all of section number 21, in township number 28 north, of range number 23 west, of the fourth principal meridian.

Very respectfully, your obedient servants,

A. VAN VORHES, *Register.*  
M. GREENE WILCOX, *Receiver.*

Hon. J. BUTTERFIELD,  
*Commissioner General Land Office, Washington, D. C.*

GENERAL LAND OFFICE,  
*October 28, 1852.*

SIR: The act of 26th August last "to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota," provides that "the Secretary of War be, and he is hereby, required to cause the lines of the present military reserve at Fort Snelling, in the Territory of Minnesota, to be contracted so as to embrace" the boundaries set forth in the act.

Much anxiety has been manifested for the completion of the survey of the public lands within the old reserve, and outside of the now reduced limits, but that cannot be done until the outline survey, with which the former will have to be connected, shall have been effected under the authority of the War Department.

It is desired to know whether the outline survey alluded to has yet been ordered, in order that this office, if practicable, may be enabled now to instruct the surveyor general in regard to the other.

Should that survey not yet have been ordered, and should it comport with the views of the War Department so to direct, it is respectfully suggested that the same might advantageously be effected through the agency of Surveyor General Sargent, in connection with his contract for the other work.

I am, very respectfully, sir, your obedient servant,

JOHN WILSON, *Commissioner.*

Colonel J. J. ABERT,  
*Chief of Topographical Engineers, War Department.*

BUREAU OF TOPOGRAPHICAL ENGINEERS,  
*Washington, November 2, 1852.*

SIR: I have received your letter of the 28th ultimo. Nothing has yet been done in reference to the survey to which you allude, because the law on that subject is wanting in an appropriation of means by which the survey can be made, and the department has no fund at its control which can be applied to the duty.

Respectfully, sir, your obedient servant,

J. J. ABERT,

*Colonel Corps of Topographical Engineers.*

JOHN WILSON, Esq.,

*Commissioner General Land Office, Washington.*

GENERAL LAND OFFICE,  
*November 8, 1852.*

SIR: A communication has been received from Robert Smith, esq., dated 16th ultimo, and addressed from Dubuque, representing that much anxiety exists among the settlers on the reserve at Fort Snelling for the survey of the portion of the lands there situate, outside of the reduced limits, prescribed for that reserve by the act of Congress approved 26th August last.

The act requires that the reduced limits shall be surveyed under direction of the War Department, and until such survey shall have been executed this office cannot act. The chief of the topographical engineers has apprised me that no measures have yet been taken under the act for want of an appropriation. This office had suggested that the survey might be effected under your direction in one and the same contract with the subdivisional surveys. Thus circumstanced the survey must be deferred until next season.

Very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

GEORGE B. SARGENT, Esq.,

*Surveyor General, Dubuque, Iowa.*

GENERAL LAND OFFICE, *January 4, 1853.*

SIR: Agreeably to the request expressed in your letter of the 30th ultimo, there are herewith transmitted, for the information of the War Department, copies of letters marked No. 1 to No. 5, inclusive, which set forth all the action yet taken at this office, under the provisions of the "act to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota," approved August 26, 1852.

Very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

JOHN POTTS, Esq.,

*Chief Clerk War Department.*

HEADQUARTERS FORT SNELLING,  
*Minnesota Territory, October 29, 1852.*

COLONEL: By an act passed last session of Congress, to reduce and define the boundaries of the military reserve at the St. Peter's river, it



is enacted "that the Secretary of War be, and he is hereby required to cause the lines of the present military reserve at Fort Snelling, Minnesota Territory, to be so constructed as to embrace the following boundaries, to wit:

\* \* \* \* \*

Reserving further, for military purposes, a quarter section on the right bank of the St. Peter's river, at the present ferry; and also a quarter section on the left bank of the Mississippi river, at the present ferry across that stream."

As no instructions have been received as to the manner in which these quarter sections are to be laid off, and as I am anxious to exclude from the reserve all trespassers, the country being rapidly filled with settlers, I would respectfully recommend the following: That from where the upper shore of Pike island, prolonged, strikes the right bank of the St. Peter's, a line be run perpendicular to the bluff, and the quarter section be laid off above this line, and between the bluff and river bank.

The land on the east side of the Mississippi has been surveyed. At the ferry there is no entire quarter section under that survey that would give the necessary advantages. There are, however, four fractions, No. 1, and Nos. 1, 2, 3, containing respectively 31.37, 54.6, 32.86, and 38.50 acres, making in all 156.73 acres, nearly a quarter section, which would give the control of the ferry, and best suit all military purposes.

There is no disposition of the land at that ferry that would present the same advantages as that mentioned above, and I would earnestly recommend that it be adopted.

I am, colonel, very respectfully, your obedient servant,

FRANCIS LEE,

*Brevet Colonel U. S. Army, Commanding Post.*

Colonel S. COOPER,

*Adjutant General U. S. A., Washington, D. C.*

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GENERAL LAND OFFICE, May 2, 1853.

Some time since the Commissioner of the Land Office addressed the Secretary of War in the matter of the survey for the reduction of the military reservation at Fort Snelling, Minnesota, to be effected by the War Department, preliminary to the survey of the body of public lands lying between the old limit and the new, which are required by the same act to be effected through the agency of this office. The delegate, Mr. Sibley, has been very pressing in his representations of the wants of the settlers in respect to such survey, and urges its completion at the earliest practicable date. No action can be understandingly and regularly instituted by this office until the advices sought for in the Commissioner's letter are at hand; and these circumstances will form the apology for bringing the matter again to the attention of the department.

Very respectfully, &c.,

JOHN M. MOORE,

*Principal Clerk of Surveys.*

The CHIEF CLERK War Department.

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LAND OFFICE, STILLWATER,

October 30, 1852.

SIR: A letter from the General Land Office, of the 3d September last, designates "lot No. 2, containing 32.86 acres, lot No. 3, containing 38.50

acres, the southeast quarter of the northwest quarter, containing 40 acres, and southwest quarter of northeast quarter, containing 40 acres," all of section 21, in township 28, range 23, making an aggregate of 151.36, as the quarter reserved under the act of 26th August, 1852, on this side of the Mississippi. This letter was accompanied by a plat indicating the reserve as above described in blue coloring. By this letter and plat the office here has been governed, and will continue to be governed until otherwise instructed by the General Land Office.

Very respectfully, your obedient servant,

H. PIERSE.

JOHN C. KELTON,  
*Lieutenant at Fort Snelling.*

A true copy:

FRANCIS LEE,  
*Brevet Colonel United States Army.*

FORT SNELLING, MINNESOTA TERRITORY,  
November 22, 1852.

COLONEL: I would respectfully suggest that Lieutenant J. H. Simpson, of the topographical engineers, now stationed at St. Paul, six miles from here, be directed to survey, mark, and make out topographical maps of the military reserve of this post, reduced agreeably to "An act to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota." I ask it, as I believe that Lieutenant Simpson has now little or nothing to do, the appropriations for roads, &c., in the Territory having failed last session of Congress, and I am very certain that the duty will be executed in a far superior style than it could be done by any other person here.

General Orders No. 29, from the headquarters of the army, Adjutant General's office, Washington, July 26, 1852, requires that "all title papers, maps, plans, and drawings, relating to military lands reserved" \* \* "for ordnance depots or garrisons, will be collected and transmitted to the Bureau of Topographical Engineers." I would further ask that Lieutenant Simpson be directed to make out one sketch for this post, to be kept here, and others to be transmitted as may be deemed proper.

I will here respectfully refer you to my letter to the Adjutant General of the army, of the 29th ultimo, in relation to this military reserve, and particularly to that quarter section of land on the east side of the Mississippi, where the lands have been surveyed, and again suggest that my recommendation then made as to the location of that quarter section be made up of fractions bordering the river bank. I mention the subject again, because since I wrote you I have received a letter from H. Pierce, esq., from the land office at Stillwater. A copy of it is herewith transmitted. It would seem strange that this location should have been made without any notification to the commanding officer of this post, who of all persons is most interested; it makes me doubt if the Secretary of War has ever given any instructions about it, or even knows of it.

Sir, I have the honor to be, very respectfully, your obedient servant,  
FRANCIS LEE,

*Lieut. Col. 6th Inf., Brevet Col. U. S. A., Commanding Post.*  
Colonel S. COOPER,  
*Adjutant General U. S. Army, Washington, D. C.*

[Endorsement.]

Respectfully submitted to the Secretary of War, in connection with previous reports upon the same subject.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE,  
*December 22, 1852.*

ASSISTANT QUARTERMASTER'S OFFICE,  
*Fort Snelling, March 24, 1853.*

GENERAL: I had the honor to receive your letter of the 14th ultimo on the 28th ultimo, just as I was leaving here for the site of the new post.

I returned to this post on the 20th instant, and on the next day visited the old mill and building belonging to the quartermasters' department, and now in possession of the Hon. Robert Smith, and I submit the following as my opinion of the value of the buildings, &c., to the government at the time when Mr. Smith received them:

The old stone grist-mill, the building somewhat dilapidated, the water-wheel worn out entirely, but the other machinery, including two mill-stones, good, was worth.....	\$400 00
The old frame of a saw-mill, greatly decayed, together with the mill irons on it and extra posts, still at this post, mostly worn out, was worth.....	100 00
The one-story frame dwelling, much decayed, was worth.....	200 00
Fences and race, much decayed.....	50 00

Making a total of \$750 as the value to the government of all the improvements on the late military reserve at this post, now in possession of Mr. Smith. To him I presume the saw-mill and its irons were entirely valueless, as he could make nothing by repairing them, and he has built a large new mill immediately on top the old one.

I herewith, as directed in your letter, also enclose a map of the reserve of this post as it now exists, with the exception of "a quarter section of land on the right bank of the St. Peter's river, at the present ferry, and also a quarter section on the left bank of the Mississippi river, at the present ferry across that stream," no orders having been received at this post defining the boundaries of these two quarter sections.

The surveyor's lines generally leave fractions along the margins of rivers. These lands are not yet surveyed but it is hardly possible there will be a complete quarter section at either ferry landing.

I respectfully recommend that the 160 acres at each landing be reserved in fractions, keeping as long a line as possible along the banks of the rivers, and that the boundaries be defined and declared at the earliest convenient day, to prevent the encroachment of "squatters" on lands which may afterwards be found reserved.

I have honor to remain, with much respect, your obedient servant,  
N. J. T. DANA,

*Assistant Quartermaster.*

Major General THOS. S. JESUP,  
*Quartermaster General U. S. Army.*

I respectfully fully concur with Captain Dana in all the foregoing views, estimates, &c.

FRANCIS LEE,  
*Lieut. Col. 6th Inf., Brevet Col. U. S. A., Commanding Post.*

JUNE 4, 1853.

Respectfully submitted to the Secretary of War.

I recommend that the old buildings, &c., be sold to Mr. Smith at the estimate of Captain Dana, within approved by his commanding officer, Colonel Lee.

THOS. S. JESUP.

WASHINGTON CITY, *September 5, 1857.*

DEAR SIR: Before leaving Minnesota I was requested by Mr. Steele, the purchaser of Fort Snelling, to inquire whether the government would receive as security for the future payments of the property any other security than the property itself. Mr. Steele is prepared to give bond with personal security to any amount that would be satisfactory, or if preferred he will deposit State bonds to any amount required. His object in asking this change is to enable him to make a good title to all to whom he may sell small parcels of the reserve.

Very respectfully,

ARCH. GRAHAM.

BALTIMORE, MARYLAND, *March 2, 1855.*

DEAR SIR: I know you are interested in the welfare of Mrs. Hooe, widow of the late Major Hooe, for which reason, and by her request, I address you this letter. It seems that Mrs. Hooe, owing to a protracted lawsuit with the American Fur Company, together with the expenses of educating her daughters, two of them now grown up to womanhood, is under much embarrassment, indeed; she has contended with more than she should have done in justice to her delicate state of health. If she can find means to continue her suit with the company she may ultimately save something handsome from the estate of her father; already she has reduced the claims of the company some \$30,000. To enable her to sustain her claims she proposes to ask of you the privilege of the ferry at Fort Snelling on the same terms it has been heretofore given to the sutler at that post, which were to cross the military of the post and all officers and soldiers and their families free of expense, as also at the ferry of St. Anthony. The ferry must have yielded Mr. Steele \$1,500 last summer; Mr. Steele is rich and has no special claims to the ferry. Mrs. Hooe, until she could build a small set of quarters, could live in the garrison, there being ample room. Of course the ferry will always be under the control of the commanding officer.

It would be a pity that Mrs. Hooe's lovely daughters should have to live at Prairie du Chien, where there is no society in which they could move, and I may say there will be little chance of marrying off to advantage. The girls are now at Fredericksburg, Virginia, and will return to the mother with the Hon. Mr. Rice, of Minnesota.

I am deeply interested in the success of Mrs. Hooe against the Fur Company. She is an extraordinary woman, gifted of indomitable perseverance, and has, through all her troubles and poverty, sustained an irreproachable character. She expressed to me how much she was indebted to you for kindness, and the delicacy she felt in asking anything more. Now, if she gets the privilege of the ferry, it will be most fortunate for her and her family, and I pray you to take the matter under consideration.

Mrs. Hooe's son, Seymour, after being found deficient at West Point, shipped at New York as a common sailor and is now in California, and, as I learn, not doing much.

Excuse this liberty I have taken, and believe me, very truly and respectfully, your friend and obedient servant,

CHAS. McDOUGALL.

Hon. G. DAVIS.

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QUARTERMASTER GENERAL'S OFFICE,  
*Washington City, April 3, 1855.*

MAJOR: Enclosed is a letter to the Secretary of War from Mr. Charles McDougall, requesting that the privilege of the ferry at Fort Snelling may be given to Mrs. Hooe on the same terms it has been given to the sutler of that post. Act in the matter as you may think best for the service; but if consistent with public interests give the privilege to Mrs. Hooe, the widow of an officer of the army.

I am, sir, &c.,

TH. S. JESUP,  
*Quartermaster General.*

Major D. H. VINTON,  
*Quartermaster U. S. A., St. Louis, Missouri.*

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PRAIRIE DU CHIEN, *August 14, 1855.*

DEAR DOCTOR: I have this day received a letter from the quartermaster at St. Louis, informing me that he had submitted to the Quartermaster General all the correspondence of Major Sherman on the subject of his objections to my having the ferry privileges at Fort Snelling, and in answer that he should refer it to the Secretary of War.

Next month the time of notice given to Mr. Steele expires, and the time is short to have the matter settled and give me time for my arrangements if I succeed in retaining the privileges. If there should be any possibility of my getting a lease from the United States for a certain number of years, (say 10, more or less,) I would consider it a safety against further interferences. Major Vinton advises me to counsel with you on the subject, as it would not be proper for him to do so, and an early answer from you in relation to this matter will be deemed a great favor.

For the last week great excitement has been created concerning the depot location, but nothing effected yet. The railroad company's agents are trying to get a reduction in the prices of the property over the slough, mine particularly, and if they will only be reasonable I perhaps will reduce it. Should I make a good sale you will probably see us this winter, provided I can obtain a leave of absence or six months' fur-

lough. Josephine acknowledged for me your last and very kind letter, and we all feel very anxious to hear from yourself and family, not forgetting Georgie and hers, as you must ere this have heard from her. Poor Seymour, I do not hear from him, he may have gone to Mexico. The prairie this far has been healthy. Josephine and Em. are more reconciled to this place, particularly if there should be a prospect of being absent from it this winter. Harriet's health has much improved, and I complain the least. Our love for Mrs. McDougall and family. Mr. and Mrs. Fay unites with us in sending their kindest regards, and hoping to hear from you all very soon I remain, most truly, your friend,

EMILIE R. HOOE.

BALTIMORE, MARYLAND, *August 31, 1855.*

MY DEAR SIR: Mrs. Hooe, the wife of late Major Hooe, United States army, writes me that Major Sherman at Fort Snelling strongly opposes her having the ferry which had been given her by the quartermaster at St. Louis, and with what reasons I cannot imagine. I suppose the privilege of the ferry had been given to her by the Secretary of War, as it would yield her something to support her family. The ferry heretofore had been given to the sutler, he is now wealthy, Mrs. Hooe is poor, besides, she has three daughters now of sufficient age to go into society—at Prairie du Chien they have not one associate. Mrs. Hooe, as a business woman, is equal to anybody in that country, and of great force of character. She has been contending with adversity, and deserves consideration.

In conversation with Colonel Taylor, he advised my writing to you on the subject, and so I have done. Sherman does his heart no credit in the matter, and I trust she will be permitted to have the ferry. I know she will have it conducted as well as anybody else.

My sick list is somewhat on the increase, and have had several cases of typhoid fever.

With kind regards to Mrs. W. and family, I remain your friend and obedient servant,

CHARLES McDOUGALL.

Dr. R. C. Wood,  
*United States Army.*

[Endorsement on above.]

WASHINGTON, *September 3, 1855.*

Letter from Surgeon C. McDougall, United States army, in reference to the privilege of a ferry in Minnesota Territory for Mrs. Hooe, widow of Major Hooe, late of the army. Respectfully referred to the favorable consideration of the Secretary of War.

R. C. WOOD,  
*Surgeon United States Army.*

With letter of Mrs. Hooe, referred to the Quartermaster General for report.

JEFFERSON DAVIS,  
*Secretary of War.*

SEPTEMBER 5, 1855.

QUARTERMASTER GENERAL'S OFFICE,  
*September 21, 1855.*

Respectfully returned to the Secretary of War.

On the 3d of April last, Surgeon McDougall's letter of the 2d of March



to the Secretary of War, referred to this office without instructions, was sent to Major Vinton, quartermaster at St. Louis, with directions to act in the matter as he might think best for the service; but if consistent with the public interests to give the privilege to Mrs. Hooe, the widow of an officer of the army. It appears that Major Vinton took proper measures to ascertain the facts, decided to give the privilege to Mrs. Hooe, and sent the necessary instructions to the acting assistant quartermaster to give the proper notice to the present occupant, and establish Mrs. Hooe in all the rights and privileges of the two ferries, &c., but that he was thwarted in his instructions by Brevet Major T. W. Sherman, the commandant of Fort Snelling. See his letter dated June 12, and its enclosures.

The original letter of Surgeor McDougall having been referred to Major Vinton, and not being returned it was sent for and returned by him on the 28th June last. The papers have been on file since, and no action had upon them. They are herewith submitted. What action the Quartermaster General had intended to have upon them I am unable to state.

Respectfully submitted:

CHARLES THOMAS,  
*Acting Quartermaster General.*

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ADJUTANT GENERAL'S OFFICE,  
*Washington, November 17, 1855.*

SIR: By direction of the Secretary of War I transmit to you herewith a letter addressed by Major Vinton, quartermaster at St. Louis, under date of June 12, 1855, to the Quartermaster General, and the several papers therein enumerated, all in relation to the lease of the ferry at Fort Snelling. The matter is referred to you for a report and such action in the case as you may deem advisable.

I am, sir, very respectfully, your obedient servant,

S. COOPER,  
*Adjutant General.*

Colonel E. B. ALEXANDER,  
*Tenth Infantry, Commanding Fort Snelling.*

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HEADQUARTERS, FORT SNELLING, M. T.,  
*January 14, 1856.*

SIR: I have the honor to acknowledge the receipt of your communication of the 17th November, 1855, with its enclosures. The following report is respectfully submitted in obedience to the orders of the Secretary of War, after a careful examination of all the circumstances that have appeared to me to have any bearing on the case:

I assume that the government must have entire command and control over the ferries across the Mississippi and Minnesota rivers at this place, whether they are operated by its own men and means or through the agency of a contractor. They are now worked by contractors, and the question presented to me is this, "Do the interests of the service require a change in the contractors." By the terms "interests of the service" I mean the conditions of a safe and commodious passage at all times of all public persons and property, which requires that the ferries shall always be in

good condition, no matter what may be the season or the state of the river, or some means of crossing equally good when the ferries cannot be operated. This requires capital and the hire of men to do the work necessary to manage the boats, besides rendering it necessary to have on hand a supply of spare implements to replace losses or repair damages. The present contractors are men of means and well known in the country for energy and promptness in their business. The ferries under their charge are admitted to be carried on in the best manner, no delay is experienced in crossing, accidents are seldom met with, damages immediately repaired, and a free passage secured over the suspension bridge at the Falls of St. Anthony when it is most convenient to take that route. I am satisfied that no better system is desired or could probably be obtained, and that the interests of the public service therefore require no change in the contractors.

As the application made to the Secretary of War is particularly in favor of Mrs. Hooe, the widow of an officer of the army, I beg leave to express my opinion that Mrs. Hooe is mistaken in wishing to exchange her present position for that of manager of the ferries at this place, both in a social and pecuniary point of view. Unless she occupied quarters in the fort, a contingency at present impossible and not to be counted on, there would be very little more society than there is at Prairie du Chien, while the profits of the ferries are not much greater than those of her present position, besides being very precarious.

But as everything is situated, and after what I believe to be a conscientious examination of all that is material in the case, I will avail myself of the authority conveyed in the endorsement of the Hon. Secretary of War, and continue the ferries under the present management until further directed. The enclosed papers are respectfully returned.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,  
*United States Army.*

Colonel S. COOPER,  
*Adjutant General U. S. A.*

[Endorsement.]

Respectfully referred to the Quartermaster General with all the papers in the case.

S. COOPER,  
*Adjutant General.*

ADJUTANT GENERAL'S OFFICE,  
*January 30, 1856.*

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QUARTERMASTER'S OFFICE,  
*St. Louis, April 10, 1855.*

SIR: I have to request that you will inform me of the nature and terms of the privilege of running the ferries between Fort Snelling and the opposite banks of the Mississippi and the Minnesota, and also whether the right of letting the ferry at St. Anthony is vested in the United States. Please state who the present proprietor or proprietors of the ferries are; how long they have enjoyed the privilege, and whether there is any limit; if so, when does the privilege expire?

These inquiries are preliminary to the laying before you certain papers from the War Department bearing on the subject above referred to.

Very respectfully, your obedient servant,

D. H. VINTON,  
*Major and Quartermaster.*

Lieutenant JOSEPH STEWART,  
*Third Reg't Artillery U. S. A., Com. Fort Snelling, M. T.*

A true copy:

D. H. VINTON,  
*Major and Quartermaster.*

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FORT SNELLING, MINNESOTA TERRITORY,  
*April 21, 1855.*

MAJOR: Yours of the 10th instant, relative to the ferries at this post, has been received.

The exclusive privilege of running a ferry across the Minnesota is secured to Mr. Henry H. Sibley for an indefinite period, by a contract entered into on the 15th of December, 1852, between Captain N. J. T. Dana, assistant quartermaster, and the said Sibley.

By the terms of this contract the said Sibley is bound to keep a good rope ferry, the boat to be capable of carrying a four-horse wagon and load, "and to give free and speedy passage at all times to all persons belonging to or in the employ of the army of the United States, to the personal property of such persons, and to all property belonging to any and all departments of said army."

The 3d article of the contract fixes the charges to be made for ferriage in the case of those not embraced in the 2d article, from which the above is extracted. The 4th article provides that either party may withdraw from the contract by giving three months' notice to the other party. In January, 1849, a tripartite contract was entered into between Captain Dana and Mr. Franklin Steele and Mr. Samuel J. Findley, by which the ferry privilege at the falls of St. Anthony was secured to said Steele, and that at the fort across the Mississippi was secured to said Findley.

The terms of this contract are similar to those of Mr. Sibley's contract, with these exceptions: the boats to be kept are to be capable of taking a two-horse wagon loaded, and the ferry at the falls is to be at the service of the army and those connected with it, "at any and all times between sunrise and sunset." The contract provides that said Findley is to pay Steele certain charges for all free ferriage furnished to the army, &c., at the upper ferry. This contract is for an indefinite time, and either party can withdraw after three months' notice to the other two parties. This contract does not provide that the ferries shall be rope ferries. A supplementary contract was made on January 1, 1850, between Captain Kirkham, acting assistant quartermaster, and said Steele, by which, Findley giving up his ferry, Steele is to keep both ferries upon the terms before set forth, and to keep rope ferries, and to improve the road leading from the ferry up the hill on the east side of the river opposite the fort, the contract to continue for two years. Upon this contract is an endorsement dated September 12, 1851, and signed by Captain Ruckner and Mr. Steele, by which it is agreed that the contract shall continue in force for two years from January 1, 1851, "it being distinctly understood by the parties that the United States is to have free passage across both ferries for all troops, stores, munitions, or any public property, and that like free passage is to be given to any and all persons, with their property,

&c., connected with the military and resident on the reserve by the permission of the commanding officer." Another endorsement dated March 10, 1854, and signed by Mr. Steele and Colonel Lee, commanding, provides that the contract shall be continued indefinitely or until the withdrawal of either party after three months' notice. This further provides that in consideration of the privilege of the ferry at Fort Snelling, "Franklin Steele agrees to ferry or to pass across the bridge, should there be one, at St. Anthony's falls, all the troops or United States property as stated in the foregoing contracts, free of charge, so long as he may hold the ferry."

The ferry at St. Anthony has been superseded by the suspension bridge, though the former is in operation temporarily while the bridge is undergoing repairs. I believe the land on both sides of the river at the falls has been sold to individuals, and the right of letting the ferry is no longer vested in the United States. The military reserve as reduced a few years ago does not reach within some five miles of the falls.

The ferry across the Mississippi is run by the force of the current; that across the Minnesota is run by hand. The boat in use at the former is capable of taking a four-horse wagon or two two-horse wagons at once.

I am, major, very respectfully, your obedient servant,

J. STEWART,

*First Lieut. 3d Artillery, Commanding Post.*

Major D. H. VINTON,

*Quartermaster United States Army.*

QUARTERMASTER'S OFFICE,

*St. Louis, April 28, 1855.*

MADAM: I have been authorized by the Quartermaster General to confer upon you the ferry privileges at Fort Snelling, on the Mississippi and Minnesota rivers, provided that it be not incompatible with the public interests. Those ferries are in charge of certain parties who hold the privileges by contracts with officers of the army, for indefinite periods, respectively, but with a condition that either party may withdraw from their agreement upon giving three months' notice of such intention.

My present object is to ascertain, before I give any such notice, whether you are desirous of taking the ferries; and if so, when you will be prepared to enter upon the charge. I presume you will desire to examine into the matter and of the possibility of procuring the boats and other appliances for running the ferries from the present contractors. I shall cheerfully await your wishes, and will be pleased to aid you in any manner you may point out. I ought to state, that it has been upon the favorable consideration of the Secretary of War of Doctor McDougall's application in your behalf that has caused this result.

I remain, madam, very respectfully, your obedient servant,

D. H. VINTON,

*Major and Quartermaster.*

Mrs. EMILIE R. HOOE,

*Prairie Du Chien, Wisconsin.*

A true copy:

D. H. VINTON,

*Major and Quartermaster.*

PRAIRIE DU CHIEN, *May 7, 1855.*

SIR: Your favor dated April 28 was received on the 5th instant. In relation to the ferry privilege at Fort Snelling, which is kindly offered for my acceptance, I would say that I would gladly accept, but deem it more prudent to inquire into the amount of property to be purchased, and the price put upon it, and for that reason I send up a friend to inquire into the matter, after which I will report to you immediately I have no doubt I can obtain assistance.

Permit me to say that the public convenience and interests would at all times be first attended to, should I take charge of the ferry at Fort Snelling. In the mean time accept my thanks for your kind offer of aid.

I employed according to your order, counsel to defend the title of the United States to Fort Crawford, and forwarded to you their agreement, and should say that not being entirely able to decide which of the two counsels was the best, I deemed it safer to employ both.

Yours, most respectfully,

Major D. H. VINTON.

EMILIE R. HOOE,  
*Agent in charge of Fort Crawford.*

PRAIRIE DU CHIEN, *May 20, 1855.*

SIR: I have received all the information necessary relating to the ferry privileges at Fort Snelling, and am pleased to say that I will accept the charge, and will be fully prepared to do so by the expiration of three months, the time allowed to notify the present contractors. To-morrow week the court term will open at this place. Please to send me instructions concerning the payment of fees in the case against government at this place.

Yours, most respectfully,

Major D. H. VINTON.

EMILIE R. HOOE,  
*Agent in charge of Fort Crawford.*

QUARTERMASTER'S OFFICE,  
*St. Louis, May 25, 1855.*

MADAM: I have received your letter of the 20th instant.

I will give notice to the commanding officer at Fort Snelling of the views of the Secretary of War concerning the ferry privileges at Fort Snelling as soon as I can find leisure. It will take some time to get an answer, but I will apprise you of it as soon as it shall be received from him.

\* \* \* \* \*

In haste, but most respectfully,

D. H. VINTON,  
*Major and Quartermaster.*

Mrs. EMILIE R. HOOE,  
*Fort Crawford, Prairie du Chien.*

A true extract copy:

D. H. VINTON,  
*Major and Quartermaster.*

## QUARTERMASTER'S OFFICE.

*St. Louis, May 25, 1855.*

SIR: I enclose herewith copies of letters from the Quartermaster General and Surgeon Chas. McDougall, with the endorsement of the Secretary of War, from which you will perceive that the ferry privileges on the Mississippi and Minnesota rivers at Fort Snelling are granted to Mrs. Emilie R. Hooe. Mrs. Hooe has accepted the offer, and you will give the three months' notice required by the stipulations with the present contractors of the withdrawal of the United States from the contract, and establish Mrs. Hooe in all the rights and privileges of the two ferries, through the process of a new contract. Please confer with the commanding officer of Fort Snelling on this subject, and exhibit to him this and the enclosed letters, and advise me as soon as practicable of your action in the case, in order that I may give Mrs. Hooe timely notice for the taking possession of the ferries.

I am, sir, very respectfully, your obedient servant,

D. H. VINTON,  
*Major and Quartermaster.*

ACTING ASSISTANT QUARTERMASTER U. S. ARMY,  
*Fort Snelling, Minnesota Territory.*

A true copy :

D. H. VINTON,  
*Major and Quartermaster.*

FORT SNEILING, MINNESOTA TERRITORY,  
*June 4, 1855.*

MAJOR: Your letter of May 25, and its enclosures, relative to the ferries at this post, were duly received and laid before the commanding officer, who has returned them to me accompanied by certain remarks, a copy of which is herewith enclosed. In obedience to the instructions contained in these remarks I have not given the notice of withdrawal from the contracts to the present lessees of the ferries, nor shall I do so until I shall have heard from you again on the subject.

I am, major, very respectfully, your obedient servant,

J. STEWART,  
*First Lieut. 3d Artillery, A. A. Quartermaster.*

Major D. H. VINTON,  
*Quartermaster United States Army.*

FORT SNELLING, M. T., *June 2, 1855.*

I have examined the enclosed papers as presented to me by Lieutenant Stewart, acting assistant quartermaster of the post, and am compelled to disagree with Major Vinton in his construction of the endorsement of the Secretary of War and the Quartermaster General. The appointment of Mrs. Hooe, as I observe it, has been left with Major Vinton, in case it may be consistent with the public interest. I regret that Major Vinton did not think proper to first consult with the commanding officer of this post before acting in the matter.

The ferries at this post are matters of great importance, and the interest of the public service demands the means and facilities of crossing them at all times, unthwarted by any moral as well as physical obstacles.

This post, confined between the rivers Mississippi and St. Peter's, and lying at their junction, has no debouch into the Indian countries, except



over these difficult and rapid streams. These debouches are four in number, viz., one across the Mississippi at the fort, one across the same river at St. Anthony, one across the St. Peter's at the fort, and the other across the latter river at Shakopee, some 20 miles above the fort.

The contracts as they now stand give the army free and speedy passage at all times over the three first ferries, though but two of them are within the exclusive control of the United States. The one at St. Anthony being wholly, or in great part, owned by the lessee of the lower Mississippi ferry, is, I believe, within his complete control, and, therefore, from the terms of the contract, can be commanded by any commanding officer of troops at any time. The lessees of the two ferries are efficient and responsible men, and would have been changed ere this were they not so. The lessee of the Mississippi ferry has been at much expense this spring in widening the difficult road-way up the left bank of that ferry. The improvements at this point have all been made by him, and the recent widening of the very dangerous road-way, not yet entirely completed, was commenced at my request, with the implied understanding that the contract would not be recalled by the commanding officer, at least for some time, thereby giving said lessee an opportunity for a fair remuneration for his outlay.

The qualifications of Mrs. Hooe, or those of any other lady, I consider vastly unequal to the care and responsibility of these ferries.

On the above grounds alone I respectfully, but emphatically, disapprove of the proposed arrangement, and beg that Major Vinton will reconsider the interest of the public service, and see cause to recall his instructions to the acting assistant quartermaster of this post; at any rate, in consideration of the importance of the subject, and believing it will be to the interest of the service, the acting assistant quartermaster will suspend action in the case until Major Vinton is made acquainted with the views of the commanding officer of this post. Should Major Vinton still consider it to be consistent with the public interest, I have to request that, in order to prevent *some* of the difficulties that will surely arise, the contracts be made and signed by both parties, supported by a bond with sufficient sureties, before the two present lessees are notified of the withdrawal of the United States from the contracts, not hereby inferring, however, that I shall then approve of the contract, for I cannot do so. I merely hint towards the interest of the United States in this matter.

I would like here to stop, but the subject is one of delicacy. Mrs. Hooe being the widow of an officer of the army she and her family have my liveliest sympathies, and I would do anything for them consistent with my duty and the interest of the service, and my feelings are much relieved in this matter when I understand, as I recently have unofficially, that through the valuable and kind influences of our distinguished Lieutenant General commanding the army, and the efficient and distinguished head of the quartermaster's department, this lady is already in receipt of a regular pension, is the postmistress of Prairie du Chien, and is besides a recipient of a regular salary for the charge of Fort Crawford.

But the grounds of this appointment, as stated and entertained in the application of Surgeon McDougall, (which application is one of the papers herewith enclosed, sent from the War Department through an official channel, to guide me in my conference with the acting assistant quartermaster of this post,) are, to me, of a most novel and extraordinary character, and in justice to myself as an officer of the army and citizen of the United States, as well as to the service itself, I respectfully

but firmly decline conferring with the quartermaster or any other functionary on the subject of endowing any person with a public office on the grounds therein entertained. My habits, my education, my principles, my views of sound republican government, my ideas of justice, all, not only forbid me entertaining the question, but give me an utter horror of such an application as that made for Mrs. Hooe, (and presented for my examination and conference;) a horror, too, of such influences as such a letter is calculated both to imply and to inspire.

T. W. SHERMAN,  
*Brevet Major U. S. A., Commanding Post.*

A true copy:

J. STEWART,  
*Lieutenant and A. A. Gen.*

QUARTERMASTER'S OFFICE,  
*St. Louis, June 12, 1855.*

GENERAL: I duly received your letter of the 3d of April last, enclosing a letter from Surgeon Chas. McDougall, with your endorsement and that of the Secretary of War thereon, authorizing the privilege of the ferry at Fort Snelling to "be given to Mrs. Hooe on the same terms as it has been given to the sutler of that post."

As the proposition has been opposed by Major Sherman, commanding at Fort Snelling, I think it but proper to submit to you all the correspondence in the matter, consisting as follows:

1. My letter to Lieutenant Stewart, the commanding officer at Fort Snelling, with his reply, marked A.
2. My letter to Mrs. Hooe, with her reply marked P.
3. My letter to Mrs. Hooe marked C, enclosing her acceptance of the privilege.
4. My letter to the acting assistant quartermaster at Fort Snelling, with his reply, enclosing Major Sherman's remarks upon a reference to him of your instructions by Lieutenant Stewart, marked D.

You will observe that I have moved very cautiously in this matter, and that nothing has been done to "horrify" any one.

I have the honor to be, most respectfully, your obedient servant,

D. H. VINTON,  
*Major and Quartermaster.*

Major General T. S. JESUP,  
*Quartermaster General U. S. A., Washington, D. C.*

[Endorsement.]

Let the papers be referred to Colonel Alexander for report and such action as in his discretion may seem proper.

JEFFERSON DAVIS,  
*Secretary of War.*

NOVEMBER 14, 1855.

WASHINGTON, January 7, 1856.

SIR: I have the honor herewith to transmit a letter from the reverend Joseph Cretin, bishop of St. Paul, and also two maps showing the situation of the Catholic Church and burying ground on the ferry reservation

at Fort Snelling. They are on the east half of fraction number 1, section 28. This fraction contains 47  $\frac{7}{100}$  acres. The reverend Mr. Ravoux has made large improvements and his congregation are anxious that the church should obtain a title to the land. I respectfully submit the case to the honorable Secretary of War in hopes that he will, under act of 3d March, 1843, convey the same or so much as may be necessary to enable Mr. Ravoux to control the church and graveyard. Should the honorable Secretary be of the opinion that the act referred to is not sufficient, and should he see no objections to a part of said fraction being conveyed to the Catholic Church, I will be obliged for a report to that end, that I may apply to Congress for relief, which, with the concurrence of the War Department, I doubt not will be granted.

With great respect, your obedient servant,

HENRY M. RICE.

Hon. JEFFERSON DAVIS,  
*Secretary of War.*

SIR: I have the honor to send to your excellency through the kindness of our worthy representative, (Minnesota,) H. M. Rice, the map of the ferry reservation near Fort Snelling and the town of Mendota, to have an error corrected, which error was committed by the late surveyor of the government, and takes away from an old and respectable priest his house and an old church, besides from a numerous Catholic congregation a new stone church and a graveyard. This piece of land was assigned by the first settlers of this place and by Colonel Lee to the Very Reverend Mr. Ravoux, living on that spot these 15 years. It comprises 25 acres. The honorable Mr. Sibley had also a part of his land into the reservation through the same mistake, but having applied to taken your excellency last winter on that subject, he was told that such error should be repaired, provided the map be presented to him, and you promised to have the signature of the President.

Hoping to have soon the opportunity to express to your excellency my gratitude, I attest now that I am, with the highest esteem and respect, your humble servant,

JOSEPH CRETIN,  
*Bishop of St. Paul, Minnesota.*

His Excellency Mr. DAVIS,  
*Secretary of War, Washington.*

[Endorsement.]

QUARTERMASTER GENERAL'S OFFICE,  
*January 22, 1856.*

Respectfully returned to the Secretary of War.

The act of Congress referred to (3d March, 1843) is supposed to be that on page 611, vol. 5, Statutes at Large, which authorizes the Secretary of War to cause to be sold "all such dwelling-houses, workshops, and other buildings belonging to the United States as have been or hereafter shall be erected for the use of their agents, teachers, farmers, mechanics, or other persons employed among the Indians, when the lands on which the same are erected shall have become the property of the United States and are no longer necessary for the purposes aforesaid," and authorizes a conveyance of the grounds, &c.

It does not seem that the act referred to applies to cases such as this.

There is an act, 26 March, 1852, to reduce and define the bounds of the military reservation at Fort Snelling. After defining the general limits of the reserve, it reserves "further, for military purposes, a quarter section on the right bank of the St. Peter's river at the present ferry, and also a quarter section on the left bank of the Mississippi river at the present ferry across that stream." The church and burying-ground appears to be on the *ferry reservation*, made by instructions from the Commissioner of the General Land Office on the 16th March, 1852, to the surveyor general at Dubuque.

By order:

CHARLES THOMAS,  
*Deputy Quartermaster General.*

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MENDOTA, April 17, 1856.

DEAR SIR: When I was at the capital I had an interview with the Secretary of War, in which I mentioned a subject which is of much interest to the people residing at Mendota and its vicinity, but in consequence of the very short time allowed me for an explanation, there being several persons present, I do not believe he exactly understood the bearings of the question. By act of 1852, reducing the reserve, the Department of War was authorized to retain jurisdiction over a quarter section of land on the south side of the Minnesota river for ferry purposes. Lieutenant Abert was sent out to make a survey, which duty he performed; but in consequence of the representations of John Wilson, then Commissioner of the Land Office, that survey was set aside, and the line of the reserve made to accord with the general government survey, which gives upwards of 185 acres to the fort instead of 160, and cuts off Mendota entirely from the steamboat landing, while it takes in the land upon which the old and new Catholic churches are built, as well as some other buildings, and the effect of a change of line has been very injurious to Mendota, while it has not retained anything of importance for the military post. In fact the first survey was made under the immediate direction of Colonel Lee, then commandant. Colonel Davis told me in 1854 that it was entirely competent for the President to order a change so as to make the ferry reservation conform to the original line, and if you can effect anything in the way of bringing that about, you will confer a favor, not only on myself personally, but upon all who have any interest in Mendota or in the neighborhood. I learn that the map containing the description of the land between the old and new lines is in your possession, in which case you will at once perceive that the reservation is worthless to the garrison, but is of great importance to Mendota.

Yours, very respectfully,

H. H. SIBLEY.

Hon. H. M. RICE, M. C., *Washington City.*

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HOUSE OF REPRESENTATIVES,  
May 2, 1856.

I believe that the first survey was set aside for the sole purpose of making the reserve conform to legal subdivisions, and without any reference to the convenience of the fort or to the rights of citizens settled upon lands properly belonging to Mendota. I hope the old survey may be substituted as recommended by honorable H. H. Sibley.

H. M. RICE.

MENDOTA, *April 17, 1856.*

HONORABLE SIR: I request you to excuse me for taking the liberty of writing to you. I am a missionary, who, for several years, have been a resident, at a short distance from Fort Snelling, Minnesota Territory, on the St. Peter's or Minnesota river. I write to you to ask you a favor, by which many will be indebted to you, and I hope that Almighty God will reward you for your good deed towards a numerous congregation of Christians and a missionary who has been 18 years in the United States.

You know, sir, that about 220 acres of land were granted by Congress to be bought at government price, \$1 25 an acre, and that a portion of land was reserved for the use of the ferry of Fort Snelling, near Mendota. It is now three years since Colonel Lee, then commanding officer at Fort Snelling, marked the line of reservation, and that one officer, sent by government, surveyed that portion of land according to his direction. But a few months after the line of reservation was changed, and were enclosed in the new one my dwelling-house and my chapel, which were erected 14 years ago, my new church, (a stone building,) my garden, and a graveyard that was fenced many years ago. Having been informed that you could help us in having the line replaced where it was before, please have the kindness to do it, and you will oblige us very much.

A. RAVOUX, *Vicar General.*

Hon. JEFFERSON DAVIS,  
*Secretary of War.*

WASHINGTON CITY, *April 23, 1856.*

Is acceptable.

FRANKLIN STEELE.

WASHINGTON, *April 24, 1856.*

SIR: I have the honor to infold a proposition for the purchase of the military reservation at Fort Snelling. The reservation is large, and, situated as it is in the midst of our heavy settlements, is a very great detriment to the growth of the country.

I infold Mr. Steele's letter to me, and will express the wish that the honorable Secretary of War will give an early response.

With great respect, your obedient servant,

HENRY M. RICE.

Hon. JEFFERSON DAVIS,  
*Secretary of War.*

WAR DEPARTMENT,  
*Washington, May 6, 1856.*

SIR: I duly received your letter of the 24th ultimo, enclosing an offer of Mr. Franklin Steele to purchase the military reservation at Fort Snelling at \$15 per acre.

In reply, I have to say that the reservation is still needed for military purposes, and Mr. Steele's offer cannot therefore be entertained. His letters to you are herewith returned.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

Hon. H. M. RICE,  
*House of Representatives.*

MAY 3, 1856.

Respectfully returned to the Secretary of War. The offer made for the lands at Fort Snelling is far below their value; but it is more than they would probably bring at public sale, banded together as the speculators are reported to be in the northwest for the purpose of obtaining all public property at less than its value.

The site is no longer of any value as a position of defence. Its only value now is as a depot of supplies for the frontier posts in advance of it. If the lands be sold the fort, wharf, and the ground between the fort and the water, with about 150 acres, should be retained for public use, not temporarily, but in fee.

THOS. S. JESUP,  
*Quartermaster General.*

P. S.—I have been informed to-day that a higher bid may be expected.

THOS. S. JESUP,  
*Quartermaster General.*

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WASHINGTON, *September 25, 1857.*

SIR: Mr. Franklin Steele, the purchaser of the Fort Snelling reservation, being anxious, without further delay, to make immediately available at least a portion of his recent investment, and having already paid one-third of the entire amount of the purchase money, requests that you will execute a deed vesting in him the title to one-fourth of his purchase, say 2,000 acres.

Very respectfully,

ARCHIBALD GRAHAM,  
For FRANKLIN STEELE.

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WASHINGTON CITY, *January 16, 1858.*

SIR: I am directed by the special committee appointed by the House of Representatives to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling, to request you to furnish said committee with the information indicated in the following resolution, viz:

*Resolved*, That the chairman be requested to ask the Secretary of War to transmit a copy of the contract for the sale of Fort Snelling reservation, map of its survey, the kind, value and extent of improvements made on it by the government or by private persons, the report of the agents of the government to the department on the subject of said sale, the amount of payment to the government on account of it, when made, and the act and time of confirmation, and the whole construction account of the fort made by the department up to the time of sale; and that he be further requested to communicate letters or other information from officers connected with the military service made before the sale in regard to its propriety.

I have the honor to be, very respectfully, your obedient servant,  
H. C. BURNETT, *Chairman.*

Hon. JOHN B. FLOYD,  
*Secretary of War.*



## THIRTY-FOURTH CONGRESS, FIRST SESSION—SENATE BILL No. 349.

IN THE SENATE OF THE UNITED STATES, JUNE 23, 1856.

Mr. Jones, of Tennessee, from the Committee on Military Affairs, submitted a report, (No. 193,) accompanied by the following bill; which was read and passed to a second reading:

A BILL for the relief of Jean B. and Pelagie Fairbault, of the Minnesota Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to pay to Jean Baptiste Faribault and Pelagie Faribault, his wife, the sum of twelve thousand dollars, with interest thereupon from the twelfth March, eighteen hundred and thirty-nine, in full payment of their claim to the island at the confluence of the Mississippi and St. Pierre rivers, in fulfilment of a contract entered into with them for that purpose.

## THIRTY-FOURTH CONGRESS, FIRST SESSION—REPORT COMMITTEE No. 193,

IN THE SENATE OF THE UNITED STATES.

Mr. Jones, of Tennessee, made the following report, (to accompany bill, S. 349:)

The Committee on Military Affairs, to whom was referred the memorial of Jean Baptiste Faribault and Pelagie Faribault, his wife, having had the same under consideration, report:

The ninth section of the Indian appropriation act, of the last session of Congress, authorized the Secretary of War to pay to J. B. and P. Faribault \$12,000, in fulfilment of a contract entered into with them in 1839, for the purchase of an island at the confluence of the Mississippi and St. Peter's rivers, now a part of the military reserve at Fort Snelling, provided that he should be satisfied with the validity of their title, &c. The money thus appropriated has not been paid, because, as the Secretary states, they have produced no evidence of title in them.

Hence, it is again brought before Congress, and the committee have again examined it carefully, and here report the result of their investigation.

In 1820, while the memorialists were living upon this island as their home, the Sioux Indians, to which tribe Mrs. Faribault belonged, conveyed to the United States, for military purposes, a large tract of land between the Mississippi and St. Peter's rivers, and reserved to the memorialists the small island at the confluence of these rivers. The deed making this conveyance and reservation was executed in the most solemn manner, signed and sealed by twenty-five Indians, and witnessed by ten persons, Colonel Leavenworth being one of them, and it fully recognizes Mrs. Faribault's ownership of the island in question. In 1837 these same Indians more formally, by treaty, conveyed these lands to the United States, but as the treaty embraced the Faribault island the Indians refused to sign it until they were assured by the Secretary of War that Mrs. Faribault's claim to the island should not be prejudiced thereby, and in an official letter, dated August 12, 1840, Mr. Poinsett says:

WAR DEPARTMENT,  
August 13, 1840.

SIR: I have the honor to acknowledge the receipt of your letter from Lancaster of the 27th ultimo, and to assure you that the pressure of business consequent upon the adjournment of Congress alone prevented my doing so earlier. I recollect perfectly what passed during the progress of the negotiation of the treaty with the Sioux, and that *I assured you that the rights of Pelagie Faribault to the island in question should not be prejudiced by their not being inserted in the treaty.*

These rights have always been considered as if they had been mentioned in that instrument, and you are aware that I signed a conditional contract under the authority of Congress, to extinguish them on the payment by government of a certain sum, provided Congress sanctioned it.

I subsequently addressed a letter to the committee of the Senate, setting forth my opinion of the value of the island and of its importance to the military post at Fort Snelling; in consequence of which a bill was introduced to provide for carrying the contract above mentioned into effect. *I entertain no doubt of the passage of that bill, and believe it was delayed only for want of time. I therefore regard the contract as existing, and advise the parties to await the further action of Congress.*

With the very restricted means at its disposal the department does not feel authorized to take the measures you propose in relation to the Sioux half-breed lands this season.

J. R. POINSETT.

S. C. STAMBAUGH, Esq.,  
Lancaster, Pennsylvania.

On the 13th of February, 1839, Congress passed a joint resolution authorizing the Secretary of War "to contract with J. B. & Pelagie Faribault for the purchase of the island at the confluence of St. Peter's and Mississippi rivers, and to report his proceedings to Congress, subject to their approbation or rejection." In compliance with the authority thus granted, the Secretary of War, on the 12th day of March, 1839, entered into an agreement in writing with the attorneys of the petitioners for the purchase of the island for the sum of \$12,000, and asked from Congress an appropriation for that amount, to enable him to make the purchase, but the requisition was made too late for the action of Congress.

In January, 1840, the Secretary of War communicated to Congress the contract entered with the representatives of the Faribaults, in conformity with the requirements of the joint resolution of February 13, 1839, and in July, 1840, in a letter addressed to the Senate military committee, the Secretary says: "In my opinion, the possession of the island at the confluence of the Mississippi and St. Peter's rivers is necessary to the police discipline and security of the post on the upper Mississippi."

"From the testimony of disinterested persons, I consider the value of that island to be not less than \$10,000, nor to exceed \$12,000."

On the 13th March, 1840, submitting the whole subject to the judgment of Congress, the Secretary says: "If the committees of both Houses, to which it has been referred, are of the opinion that the Indian title is rightly vested in the claimants, I beg that an appropriation may be asked for to carry into effect the contract, for I regard the continued possession of the property as highly important to the interests of the service and of the country."

And the Committee on Military Affairs of the Senate, after a thorough and satisfactory investigation of the title, asked for the appropriation of \$12,000 for the purchase of the island; but it was, after passing the

Senate, lost in the House of Representatives, with several other amendments to the appropriation bill, on the last days of the session.

On the 2d of September, 1842, the Secretary of War, (Bell,) writing to the Speaker of the House of Representatives, says: "All the testimony was submitted to the Senate military committee. The committee decided in favor of the claim, and I am induced to recommend it to the favorable consideration of Congress, and to ask that an appropriation be made for the sum of \$12,000, for the purpose of paying for the island, in fulfilment of the contract of March 12, 1839, as there was a pledge given by the government to these claimants, in consequence of which it is understood that a successful negotiation was made with the nation to which they belong, for a tract of country estimated to contain six millions of acres."

The objection now made to the "validity" of Faribault's title is, that the island was ceded to the United States in 1805 by the Pike treaty. It does appear that General Pike made an arrangement, in 1805, with two Sioux Indians, for the purchase of the lands of that tribe, including the Faribault island, but there is no evidence that this agreement, to which there is not even a witness, and in which no consideration was named, was ever considered binding upon the Indians, or that they ever yielded up the possession of their lands under it. Certain it is, that it was not ratified until three years afterwards, (in 1808,) when the consideration of \$2,000 was introduced into it, to which the other contracting parties never did assent; but it was never promulgated, nor can it be now found upon the statute books like any other treaty, if indeed a treaty it may be called, nor were its stipulations ever complied with on the part of the United States.

Governor Doty states that General Leavenworth did not consider Pike's treaty as binding upon either the government or upon the Indians, and that such was the opinion of General Cass; that the Faribaults had rendered essential services to the United States; and hence it was that General Leavenworth had consented to the reservation of this island to them, as by the permanent residence of that family at that place he expected to derive and did derive the greatest advantages from their efforts to establish and maintain friendly relations between the Indians and the whites.

Honorable H. H. Sibley says, that in 1819 the island was transferred by the Sioux to Pelagie Faribault, an Indian woman of their own tribe; that gifts of this kind were at that time very common with the Indians; that Mrs. Faribault was then living upon the island, and so continued until 1821, when Colonel Snelling, who succeeded Colonel Leavenworth, and changed the original site of the fort, ordered her to remove; and he refers also to the pledge given by the Secretary of War to the Sioux, at the treaty of 1837, that Mrs. Faribault's claims should not be prejudiced by their being omitted in the treaty; and adds, that the husband and sons of Mrs. Faribault were most active in promoting the views of the government in the Sioux negotiation.

The Commissioner of Indian Affairs, in a letter to the Secretary of War, of the date of the 28th February, 1839, says:

"As a principle of general observance, the United States, in my judgment, cannot recognize such grants. This case, however, occupies a position of its own. The island is wanted for the purposes of the government, and to avoid delay, difficulty, and controversy, it may be judicious to purchase it. I therefore think, under all the circumstances, that an appropriation should be asked for, and the negotiation for the purchase opened, &c.

"T. HARTLEY CRAWFORD."

In 1825 the Sioux, Chippewas, and other tribes, made a treaty, and in defining the boundary lines they say in the 10th article: "It being well understood that the reservations at Fever river, at the Ouisconsin, and at St. Peter's, and the lands properly belonging thereto, are not claimed by either of said tribes." Thus it seems to be universally conceded that the island in question was and is the property of Mrs. Faribault, and that her (Indian) title thereto has not been extinguished by the United States.

The committee are unanimously of the opinion that long-delayed justice ought now to be done to the memorialists, and they therefore again report the bill authorizing the payment to them of \$12,000, with interest from the date of the contract, and recommend its passage.

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WASHINGTON, *April 7, 1857.*

SIR: Believing that the interests of the people of Minnesota would be promoted by the sale of the Fort Snelling and Ripley reservations, I most respectfully recommend that they be sold, the former under the "act authorizing the sale of certain military sites," approved March 3, 1819, and the latter under a supplementary act. (Section 4 of the "act making appropriations for the support of the army," approved March 3, 1857.) Fort Snelling will, probably, be required for a depot, and with it say 40 acres of the present reservation. Large reservations are injurious to the interests of the citizens, often preventing improvements by the State, county, or town. Fort Ripley cannot be longer wanted by the United States for any purpose; and I respectfully suggest that an officer of the army be sent to survey these reservations, and divide them into lots or quarter sections not exceeding 160 acres each; the surveys, if practicable, to conform with those made under the general land system. An agent should advertise these lands for sale in the principal papers of the northwest, at public auction, to the highest bidder; and, to prevent combinations among purchasers, a minimum price might be fixed by the War Department.

There are persons now residing upon each of these reservations who have made very large improvements. Some of them have resided on them for over 20 years. Upon Fort Ripley reservation some of the locations were made long before it was selected for a military site. These settlers should not be forced to bid against their own improvements. They should be allowed to purchase of the agent, at \$1 25 per acre, (which is more than the land was worth when they first became residents upon it,) the land they have improved or built upon, say not more than 320 acres each. This may seem to be a large quantity, but when the facts are duly considered that these very persons were the first pioneers into what was then a wild and unknown region; that they have spent their time and their means upon this land, and that, too, under the most trying circumstances, at a period when the country was considered valueless; and that by their sufferings they have opened up and made valuable what was then a wilderness, their labor will be but poorly recompensed. The first among this class are the old traders of the northwest; the Missourians, the settlers, and those who, by the permission of the department, established ferries, opened fields, &c., for the convenience of the troops.

At Fort Snelling a part of the reserve extends over a graveyard including a Catholic church, a map of which is on file in your depart'

ment. This case is one which particularly merits the attention of the War Department. The congregation claim only 25 acres of the reserve, to enable them to cover their improvements, most of them being outside.

The whole number of persons entitled to consideration as settlers on these reservations will not, I think, exceed ten. I hope that early action may be taken in these matters, as large bodies of unsettled lands, over which our citizens cannot exercise control, make roads, build bridges, or school-houses, are of great annoyance. The Fort Ripley reservation embraces nearly a half of one of our counties, and on the Mississippi river extends over 25 miles, thus effectually locking up that stream from the people of the county. I will here state that land adjoining this reserve can yet be had for \$1 25 per acre.

With great respect, your obedient servant,

HENRY M. RICE.

Hon. J. B. FLOYD,  
*Secretary of War.*

[Endorsed on the above.]

Respectfully returned to the Secretary of War. In regard to the reduction of the reserve and the sale of any part of the site of Fort Snelling, I have the honor to state that the propriety of either will depend upon the military policy adopted by the administration. If the troops are to be kept as much as possible concentrated at central points, where they can be cheaply supplied when not in the field, there is no place near the northern frontier so suitable as Fort Snelling. Troops can have their winter quarters there, and when operations become necessary can be thrown forward with all necessary supplies, and in numbers to insure the best moral as well as physical effect. To an Indian enemy our troops should never be shown except in imposing numbers. If this policy is to be adopted—and it is certainly the true policy—not a foot of the site of Fort Snelling can be spared without weakening the defences of the frontier. If, however, a different policy is to prevail, and the troops are to be thrown out along the extreme frontier, unprotected, in small detachments, then a quarter-section of land, with the buildings, and the control of the ferries on the public lands, will be sufficient for a mere depot of supplies; but the persons alluded to by Mr. Rice have no claim to any part of the site. That site derives its present value from the expenditures of the government and the labors of the troops. Sutlers and ferry-men who have settled around the post did so for their own advantage, and ought not to have any preference over others. If the site be divided and sold, it would be unjust to the whole country to give them an advantage over any other citizen. If any one class should have a preference over other classes, it should be the private soldiers, whose labors first gave value to the place, or their descendants.

As to the site of Fort Ripley, I recommend that the reserve be reduced to a section or a half section around the barracks and other buildings; but that all the buildings be retained until it be ascertained whether they may not be required for winter quarters for the troops.

THOS. S. JESUP,  
*Quartermaster General.*

APRIL 15, 1857.



WASHINGTON CITY, D. C., *June 17, 1857.*

SIR: I had the honor to hand you our report this morning, and contract for the sale of the Fort Snelling property, and was sorry that the press of business upon you prevented my being able to converse with you upon the subject, and give you some information not contained in our report. Major Eastman had been on the ground for some time, and was fully aware of all the movements going on, and the combinations being formed to get the property for at least one-fifth of the price at which we sold it, if the sale was made in small lots, and at about one-half of what it brought if sold at public auction all together. I found in mixing with the people, (to whom I was entirely unknown,) that the subject of the sale was discussed at the dinner-table and on the streets, and the plan of operations appeared to be settled; that the lots should bring from \$1 25 to \$2 50 per acre, not to exceed \$2 50, and if all the property should be offered together, they stated the price should not exceed \$50,000.

As we were limited in the price to \$7 50 per acre, the combination that had been formed would have prevented any sale whatever. We consider this the best sale that has ever been made, as may be seen from the records.

There is one fact to which I would call your attention, and that is the great prejudice existing in the public mind against the sale of any land belonging to the United States at more than \$1 25 per acre. Where such land is located, even the best and most respectable persons will unite to prevent the sale at over \$1 25 per acre. The party to whom we sold this property, after the closest investigation, we find to be responsible in every respect, and can and will give the government any security required. Had we sold to any one else, justice would require that the party should receive from the government from \$25,000 to \$30,000 for the improvements which he owned upon the property, and which had been placed there for the accommodation of the government officers.

The parties forming the combination being disappointed in their scheme, will, in all probability, make complaint of the sale, but it will be only the complaint of the disappointed in obtaining the property for much less than its value.

It is not necessary for me to state to you that I looked alone to the interest of the government in this matter.

Very respectfully, your obedient servant,

WM. KING HEISKELL.

Hon. JOHN B. FLOYD,  
*Secretary of War.*

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Mr. Gordon will please send me the report, &c., of the agents to sell Fort Snelling.

A. H. DRINKARD.

Sent up February 25, 1858.

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Articles of agreement made and entered into this 6th day of June, 1857, by and between Seth Eastman, major United States army, and Wm. King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, to wit: The party of the first part have this day sold to the party of the second part all that tract or reserve of land known as the



military reservation of Fort Snelling, with the improvements thereon, excepting and reserving twenty (20) acres, described as follows, to wit: Commencing at the southeast corner of fraction No. (1) one, in section No. (28) twenty-eight, in township (28) twenty-eight, in range (23) twenty-three; running north forty (40) rods; thence west eighty (80) rods; thence south (40) forty rods; thence east (80) eighty rods, to the place of beginning; the same being reserved for a Catholic church and burial-ground, where the church and burial-ground now is. Also, excepting and reserving the northwest quarter of section (20) twenty, in township (28) twenty-eight, in range (23) twenty three, containing ten acres; the same being reserved for a Protestant graveyard. For and in consideration of the above, the party of the second part agrees, and hereby binds himself, heirs, executors, and administrators, to pay to the United States government, or an authorized agent or agents, the sum of ninety thousand dollars; one-third of said sum payable on the 10th day of July next, and the residue in two equal annual payments thereafter. The said tract of land or reservation contains about seven thousand acres. Possession of the said lands and improvements to be given as soon as the Secretary of War can dispense with it for military purposes, and a deed given when the first payment aforesaid is made, and satisfactory security for the deferred payments given and approved by the Secretary of War, or agents appointed for that purpose.

As witness our hands and seals the day and year above written.

SETH EASTMAN, [SEAL.]

*Major U. S. A., Agent.*

WM. KING HEISKELL, [SEAL.]

*Agent, &c.*

FRANKLIN STEELE. [SEAL.]

Approved.

JOHN B. FLOYD,  
*Secretary of War.*

WAR DEPARTMENT, *2d July, 1857.*

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[Special Orders No. 109.—Extract.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
*Washington, July 31, 1857.*

1. The first instalment of the purchase money of Fort Snelling having been paid into the treasury, the military reservation and property pertaining thereto, excepting the fort and other buildings, which are required for the use of the troops at the post, will be put in the immediate possession of Mr. Franklin Steele. The military post will be maintained until further orders. \* \* \* \*

By order of the Secretary of War:

S. COOPER,  
*Adjutant General.*

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WAR DEPARTMENT, *October 28, 1858.*

The Secretary of War desires that the Quartermaster General will have a copy of the contract of sale of Fort Snelling made and sent up to him as soon as it is practicable.

Very respectfully,

H. DRINKARD.

QUARTERMASTER GENERAL *U. S. Army.*

NEW YORK, *January 22, 1859.*

SIR: I am much surprised to learn that you have directed proceedings to be instituted against me upon the contract for the purchase of Fort Snelling.

I did not suppose that the War Department would be disposed to second the effort of certain members of Congress in the bitter warfare upon me in this matter, the tendency and design of which was, no doubt, to injure me personally as well as to depreciate the value of the property.

It is quite probable that you may have heard that I intended, in consequence of the action of Congress, and its influence upon the property, to decline further payment, until some allowance was made by the government for the damages that I have sustained consequent upon the action of Congress in the investigation of the subject.

That I would be justifiable in taking such a course, I think you cannot deny. At least, I am advised by eminent counsel that I have a legal as well as an equitable claim upon the government for damages thus sustained.

Permit me here to remark that I feel that you have done me a still greater wrong by lending your official station in virtually sustaining the course of malicious persons in and out of Congress, to injure me personally, and to depreciate the property; still I attribute your action to the consideration to which I have alluded.

Now I do not desire litigation with the War Department. I am willing to pay the full amount called for by the contract. Having already paid \$30,000 upon the purchase, it seems to me that I have a right to ask a little leniency at the hands of the government.

Had Congress not interfered, to the great injury of the property, the payment would have been promptly made.

As I have said, I want no litigation with the government, and now propose, for the purpose of avoiding it, that you withdraw the contract from the hands of the attorney to whom it was sent, and I will waive all claim to damages and make a payment of \$10,000 within four months, and the balance due as soon thereafter as possible, and the payment hereafter falling due in accordance with the terms of the contract.

Very respectfully, your obedient servant,

FRANKLIN STEELE.

Hon. J. B. FLOYD, *Secretary of War.*

WASHINGTON, *April 8, 1856.*

SIR: Several citizens of Minnesota have taken steps to bridge the Mississippi river near Fort Snelling, provided the honorable Secretary of War will grant permission for the same, with the privilege of passing through the reservation. For your information on the subject, I will state that the route proposed is the great thoroughfare from St. Paul, the capital of the Territory, to and through the valley of the Minnesota river to the Sioux and Winnebago agencies and Fort Ridgley. It is also a mail route.

In behalf of the citizens engaged in the enterprise, I will ask the above upon the condition that the location of the bridge and the route of the road shall not interfere with the fort, or in any way inconvenience the military operation of the fort or in the reservation. The troops and munitions of war to pass and repass free of charge over said bridge so long as the fort shall be occupied for military purposes.

The road and mail now pass over the reservation, and the river is crossed by a ferry, which is often impracticable, and *always* troublesome.

I have the honor to be, your obedient servant,

HENRY M. RICE.

Hon. JEFF. DAVIS, *Secretary of War.*

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WAR DEPARTMENT, *Washington, April 18, 1856.*

SIR: In reply to your letter of the 5th instant, in behalf of citizens of Minnesota, who are preparing to bridge the Mississippi river near Fort Snelling, asking from this department permission for the same, with the privilege of passing through the reservation attached to the post, I have the honor to state that in several cases the right of way through the sites of forts has, upon prescribed conditions, been granted by special acts of Congress, and I deem it inexpedient to enter into any contract for such rights without such legislation.

The question of the right to bridge the Mississippi will, it is expected, be soon decided by the Supreme Court. My own opinion is adverse to the claim of such right.

Very respectfully, your obedient servant,

JEFF'N DAVIS,  
*Secretary of War.*

Hon. H. M. RICE, *House of Representatives.*

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ATTORNEY GENERAL'S OFFICE,  
*September 28, 1857.*

SIR: In your letter of the 26th instant you enclose me a written agreement between the agents of the United States and Franklin Steele for the sale of the Fort Snelling reserve, together with two letters addressed to you by Mrs. Steele's agent, and you ask my official opinion thereon. You make no statement of facts and put no question of law, but leave me to infer from the naked papers what point it is upon which you desire my advice.

Mr. Steele agreed to purchase the property for the sum of \$90,000, to be paid in three equal annual payments, on the 1st day of July, 1857, 1858 and 1859.

I take it for granted, (though you do not say so,) that the first instalment of \$30,000 has already been paid. He is entitled, by the terms of his contract, to a deed for the whole property, upon his giving "satisfactory security" for the balance of the purchase money.

What he now desires is some arrangement for securing the \$60,000 which he yet owes, in such a manner that 2,000 acres of the land will be free from incumbrance.

The War Department has power given it by Congress to sell the land in question. Having sold it, your power is exhausted. You can do nothing more except to enforce the rights and perform the obligations which the agreement created. The authority to make a contract implies no authority to change it after it is made. This contract entitles the purchaser to a deed as soon as he pays one-third of the price and gives "satisfactory security" for the remainder. A mortgage upon the whole of the land would be satisfactory, no doubt, since it is not to be presumed that property which sold once for \$90,000 would sell again for less than

\$60,000. But it may also be true that a lien on 2,000 acres less than the whole tract would be sufficient. This is a matter of fact—a question for your own judgment and discretion to answer. You may take any security which you may deem sufficient, remembering always that security for a debt is that which makes it absolutely safe.

I am, most truly, yours, &c.,

J. S. BLACK.

Hon. J. B. FLOYD, *Secretary of War.*

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WAR DEPARTMENT,  
*Washington, February 1, 1868.*

SIR: I have this day received from the Quartermaster General the enclosed papers in response to a resolution of your committee which I had the honor to receive in your letter of the 16th ultimo.

The other papers called for in that resolution were forwarded to you some days since.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

Hon. H. C. BURNETT,  
*Chairman Special Com., &c., &c., &c., House of Representatives.*

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The chairman of the select committee in the Fort Snelling case is very urgent for the papers called for from this department, and says that the members of the committee complain very much of the delay, and that they will not meet again until they get the papers.

— DRINKARD, C. C.  
WAR DEPARTMENT, *February 1, 1858.*

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Maps of survey, (this will be furnished by the War Department,) kind, value, and extent of improvements made by government or by private persons.

The "whole construction account of the fort made by the department up to the time of sale;" also letters or other information from officers connected with the military service, made before the sale in regard to its propriety.

*Expenditure at Fort Snelling for repairs and extra duty men.*

1825 .....	\$2, 123 48	1835 .....	\$858 29
1826 .....	1, 039 33	1836 .....	793 00
1827 .....	1, 847 44	1837 .....	946 43
1828 .....	469 96	1838 .....	691 25
1829 .....	310 24	1839 .....	1, 230 31
1830 .....	249 07	1840 .....	923 00
1831 .....	264 30	1841 .....	800 74
1832 .....	190 80	1842 .....	693 25
1833 .....	418 82	1843 .....	241 02
1834 .....	654 54	1844 .....	1, 003 84

1845 .....	\$4, 071 58	1852 .....	\$866 71
1846 .....	5, 831 54	1853 .....	2, 629 85
1847 .....	1, 144 94	1854 .....	619 54
1848 .....	764 68	1855 .....	1, 748 34
1849 .....	5, 701 36	1856 .....	10, 159 91
1850 .....	4, 073 02		
1851 .....	1, 342 67	Total.....	54, 701 15

*Resolved*, That the Secretary of War be requested by the chairman to communicate further to this committee the proposition to purchase the Fort Snelling reservation made by the Hon. Mr. Rice and Franklin Steele, referred to in reply of General Jesup, transmitted to the committee on yesterday, a copy of the report of Colonel Thomas to General Scott, on the propriety of making the sale, a copy of the letter of the Hon. Mr. Smith, addressed to him in April last, on the subject of said sale, together with his answer thereto, and with propositions made by other persons before or after the enactment authorizing said sale, and his answers thereto, and also the construction account for said fort, for a term of five years previous to said sale, specifying its particulars by date.

HOUSE OF REPRESENTATIVES,  
Washington, February 5, 1858.

SIR: I herewith forward a copy of a resolution adopted by the special committee appointed to investigate the sale of the Fort Snelling reservation.

Your early attention will oblige, yours, very respectfully,  
H. C. BURNETT,  
Chairman, &c., &c.

Hon. J. B. FLOYD,  
Secretary of War.

WAR DEPARTMENT,  
Washington, February 8, 1858.

SIR: I have received yours of the 5th instant, transmitting a copy of a resolution of your committee asking for copies of certain papers relating to the sale of the Fort Snelling reservation; and in reply, I have the honor herewith to enclose copies of all the papers referred to that are on file in this department. Copies of the replies to Mr. Smith and others were not retained, but the character of those replies may be inferred from the following copy of a memorandum of the material part of my instructions to the agents, which was written by my direction, upon the letter of Mr. Smith, dated the 21st April, 1857, as the substance of my reply to that and similar inquiries: "Have it carefully surveyed first, divided into lots of 40 acres each. The object to obtain the largest amount for the government and give all who desire it an opportunity to purchase."

I also enclose herewith a copy of a letter which I addressed to Mr. Smith on the 21st of July last, on the same subject.

Very respectfully, your obedient servant,  
JOHN B. FLOYD,  
Secretary of War.

Hon. H. C. BURNETT,  
Chairman Special Committee, &c., &c., House of Reps.

[Endorsement on above.]

FORT SNELLING COMMITTEE,  
*House of Representatives, February 5, 1858.*

Hon. H. C. Burnett, Chairman.

Transcript copy of resolution of the committee asking for copies of certain papers relating to the sale of Fort Snelling reservation.

[Endorsement 208.]

Secretary of War refers letter from the Select Committee of the House of Representatives on the Fort Snelling reservation dated February 5, 1858, enclosing copy of a resolution calling for information relative to sale of said site, with a copy of this reply.

Received February 22, 1858.

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COMMITTEE ROOM FORT SNELLING INVESTIGATION,  
*Washington, February 9, 1858.*

SIR: I am directed by the committee of the House of Representatives to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling, to request that you will furnish to said committee "copy of letters addressed by the Hon. Robert Smith and by Mr. Reynolds, late district attorney of Missouri, to the Secretary of War, asking for information as to the time and manner of the sale of the Fort Snelling reservation, and also copies of all other letters on the subject, with the replies of the Secretary of War, if any, thereto."

I have the honor to be, very respectfully, your obedient servant,  
H. C. BURNETT, *Chairman.*

Hon. JOHN B. FLOYD,  
*Secretary of War.*

[Endorsement.]

Respectfully returned to the Secretary of War. I believe that all the papers in this office relating to the subject referred to within have been returned to the War Office. It is possible there may be reports in the Adjutant General's office on the subject.

THOS. S. JESSUP.

QUARTERMASTER GENERAL'S OFFICE,  
*February 13, 1858.*

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The Adjutant General submits herewith the only communication which has been received at this office, having reference to the sale of the military reservation at Fort Snelling, and he has written no letter upon the subject other than that transmitting to the General-in-chief a copy of the endorsement of the Secretary of War upon Colonel Thomas's report.

Respectfully,

S. COOPER,  
*Adjutant General.*

ADJUTANT GENERAL'S OFFICE,  
*February 18, 1858.*



## INDIAN AFFAIRS.

The Sioux Indians, who, by treaty some four years since, gave up their lands, are now located on a reserve ten miles wide, lying on both sides of the Minnesota river, extending from below Fort Ridgley a few miles to Lake Travers. They are in bands as follows:

*Med-a-wah-kan-toans*, in seven bands, and number about 2,200, called lower bands, and they occupy the lower part of the reserve. Their agency is 12 miles above Fort Ridgley.

*Ink-pa-duta* and his people are of one of their bands, outcasts from the tribe. He some time since killed the chief of his band.

*Wah-pa-tons*.—Number about 500.

*Wah-pa-cutahs*.—Number about 150.

*Sissetons*.—Number about 350.

These three latter-named bands occupy the upper part of the reserve, and have their agency at the mouth of the Yellow Medicine river. These Indians are peaceably disposed towards the whites. They have been held accountable for the murder of *Ink-pa-duta's* people, and their annuities, in money, have been withheld until the murderers are brought in. This measure caused the recent threatening attitude at the agency. They were finally pacified, and are still quiet. Parties under Little Crow are now out in search of *Ink-pa-duta* and his small band.

The reserve is destitute of game, and the Indians must leave it to obtain food. If they remain on their own ground their sufferings will be great, for they planted but little, and much of that was destroyed by grasshoppers; and what was left to the *Sissetons* by these insects was pretty much destroyed by the *Yanctons* returning in bad humor from the council. On ducks and fish they can subsist until the depths of winter, but then they will pass through the country for food, and may thus be brought into difficulties with the whites. I earnestly recommend that some provision be made for them; humanity demands it. I mentioned these views to the superintendent, Mr. Cullen, who cordially approved of them. The governor of the Territory also approves of the measure.

The enemies of the Sioux are the *Chippewas*, who occupy the north-eastern part of Minnesota.

*Yanctons and Yancetonais*, also Sioux.—They occupy the large extent of country between the Big Sioux river and Missouri, and up to the British possessions. Their number is not known.

They are mounted and hunt the buffalo. They receive no annuities; only one treaty has ever been made with them, a treaty of peace made in 1825 by the late General Atkinson. They claim that portion of the country sold by the *Sissetons*, in which is situated the pipe-stone quarry. This caused them to appear at the council and demand from the *Sissetons* part of the annuity. At the former payment they received part of the goods, but this time they claimed part of the money. The *Sissetons* dare not refuse, for the *Yanctons* are warlike and numerous. The *Yanctons* complain of a road being made through their country by Mr. Noble; and also that the whites are settling on their lands. This is supposed to refer principally to the lands sold by the *Sissetons*. The *Yanctons* and *Chippewas* are enemies. The governor of Minnesota is anxious that a treaty be made with these Indians for the southern part of their country.

*Winnebagoes*.—Number about 2,100. They occupy, as a reserve, 18 townships of land on the Blue Earth river, south of the town of Markato. They are building houses and cultivating the land. They are perfectly

peaceable; but if disposed to be hostile, the troops at Fort Ridgley would soon be in their country.

The Winnebagoes are perfectly friendly with the Sioux, but are in enmity with the Chippewas. The country between them and the Chippewas is now too thickly settled with whites to admit of either nation sending out war parties.

*Chippewas.*—They number about 5,000, and are located on about seven reserves, Gull lake, Leach lake, Red lake, Mills lake, and Sandy lake, a reserve on each, and one or two on Lake Superior. They are reserves, both of the Sioux and Winnebagoes, and against the former send out war parties. Since the withdrawal of the troops from Fort Ripley, they are said to have assumed a more defiant tone towards the white settlers near their reserves. The town of Crowning is near the reserve on Gull lake, where the Indians resort in numbers to obtain spirituous liquor. After the payment of their annuity in the early part of the month, in their drunken frolics several Indians were killed, and, it is said, one white man. The Rev. Mr. Breck felt compelled to abandon his mission at Leach lake, in consequence of the threats of the Indians; and the Rev. Mr. Peet, at the Gull Lake mission, fears he may have to abandon his mission. Already some cattle have been killed. It is stated also that depredations have been committed upon a party cutting lumber; some of the people are excited on the subject, and they fear difficulties with these Indians.

I consider that Fort Ripley should be regarrisoned by at least one company, preferably dragoons, but such troops cannot be sent to this post this winter. Troops at Fort Ripley will control the Chippewas and quiet the fears of the people.

Fort Ridgley should be maintained with its present garrison of three companies; when mounted companies can be sent, two companies of dragoons should replace two companies of infantry.

A military post is required on Lake Traverse, or, if building materials cannot be obtained at Graham's Point, on the Red river. This position would guard the passway to the buffalo range west of that river. Colonel Smith's report of his exploration to Pembina will give valuable information on this point. There is no necessity whatever, in a military point of view, in the establishment of a military post above this point on the Red river.

It may be necessary next year to establish a post on the Big Sioux, at the junction of Red Pipe-stone creek, where timber is said to be abundant. On the James river, west of that, there is no timber. The post would have to be supplied from the Missouri. The whites are already pressing to the Sioux river, and collisions may take place between them and the Yanctons.

So long as the Indians remain in Minnesota, so long must troops be kept in the Territory. To supply the troops a depot is essentially necessary at Fort Snelling, and I consider that the post should not have been sold. All the necessary buildings were here with a reserve ample for any purpose. A condition of the sale, I understand, is that the building shall be kept as long as required. They should not be given up; and, if possible, from 500 to 1,000 acres of land should be reserved. A wagon train must be kept up, and at no point can the animals be kept at so cheap a rate as here. Hay can be cut and stacked at \$4 per ton, and grain be purchased cheaper than in the interior. If a depot is not kept here, it must be established in St. Paul, and at a largely increased expense.

The mounted troops necessary for this region (and there should be three or four companies) could be kept at Fort Snelling at less cost than elsewhere, and be in high condition to make an excursion into the Yankton country during the hunting season, when a good impression would be made upon the Indians.

I do not know under what circumstances the post of Fort Snelling was sold; but I am perfectly certain that no military man on the spot at all acquainted with the state of affairs would have recommended the measure.

Hitherto, when an annuity was to be paid, a small number of men were ordered to be present to keep the peace; but as all the Indians are congregated on such an occasion, I think this a proper time for a large display of troops; and at the next payment to the Sioux all the disposable force should be sent to the agency. The effect would be highly beneficial.

In regard to the four artillery companies at Fort Snelling, although they may not be required to quell Indian disturbances, being here and in position, they might be kept until the spring, and, in conjunction with the other troops, make an excursion into the Indian country. Whatever is to be done in regard to them should be determined at once, as winter in this climate will soon come around.

I shall leave this post for Fort Brady to-morrow.

I have the honor to be, very respectfully, your obedient servant,

L. THOMAS,

*Assistant Adjutant General.*

Lieut. General WINFIELD SCOTT,

*Commanding in Chief, West Point, New York.*

[Endorsement.]

WAR DEPARTMENT, *August 29, 1857.*

This report is sufficiently clear in its statement of facts connected with the Indian tribes. The dissertation about Fort Snelling, its sale, and the importance of it for a military depot, is a gratuitous intermeddling in a matter already disposed of by competent authority.

Whatever may be the opinion of a "military man" as to keeping up a military post in the heart of a settled country to hold Indians in subjection who roam through the forests many days' journey away from it, a man of common apprehension would conclude that the proper place for forts and troops was amongst the Indians to be held in subjection.

When the United States army are set to "cutting and stacking hay," it is possible a still more eligible point may be selected for the purpose, near to the Indian settlement, where the troops would need those supplies. When this department is required to report to subordinates "under what circumstances the post at Fort Snelling was sold," or any other act was done, that duty shall be performed, but until then, "a military man" will probably understand that a superior in authority is not to be called on for an explanation of an order.

J. B. FLOYD,

*Secretary of War.*

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FORT SNELLING, MINNESOTA, *July 19, 1858.*

I hereby certify that Captain A. W. Reynolds, assistant quartermaster United States army, has this day transferred and delivered to me Fort Snelling, in the State of Minnesota, of which I am the purchaser, and

that the property has been turned over to me in as complete a manner as the said Captain A. W. Reynolds was authorized and empowered to do, in pursuance to an order to him from the Quartermaster General's office, dated Washington city, July 9, 1858.

FRANKLIN STEELE.

FORT SNELLING, MINNESOTA, *July 19, 1858.*

Whereas the following instructions have been received by me from the Quartermaster General's Department, viz :

QUARTERMASTER GENERAL'S OFFICE,  
*Washington city, July 9, 1858.*

SIR: In compliance with instructions from the Secretary of War, you will immediately transfer Fort Snelling to Mr. Franklin Steele, by whom it has been purchased. Take his acknowledgement of its receipt and forward it to this office.

Very respectfully, your obedient servant,

T. S. JESUP,  
*Quartermaster General.*

Captain A. W. REYNOLDS,  
*Assistant Quartermaster, Fort Snelling.*

Now, be it known to all men, that in pursuance to the above order, I have this day transferred, and do hereby transfer, to the said Franklin Steele, purchaser of the same, the aforesaid Fort Snelling, giving him, the said Franklin Steele, as ample and perfect possession and as fully conveying and transferring the same as I am able or authorized and empowered to do by the above order.

A. W. REYNOLDS,  
*Captain and Assistant Quartermaster U. S. A.*

FORT SNELLING, MINNESOTA, *July 20, 1858.*

GENERAL: Your letter of the 9th instant, directing me to transfer Fort Snelling to Mr. Franklin Steele, the purchaser of the property, reached me day before yesterday. The instructions contained therein have been complied with, and I have now the honor to enclose herewith Mr. Steele's acknowledgement of the receipt of the fort, together with a copy of my letter to him making the transfer.

Very respectfully, your obedient servant,

A. W. REYNOLDS,  
*Captain and Assistant Quartermaster.*

Major General T. S. JESUP,  
*Quartermaster General U. S. A., Washington city, D. C.*

FORT SNELLING, MINNESOTA TERRITORY,  
*June 10, 1857.*

SIR: Agreeable to your instructions of the 25th May last, we have visited and carefully examined the military reservation at this place and the improvements thereon made by the United States and by citizens.

We find that those made by the government were for military purposes, and mostly of such a nature as to render them almost valueless for any other. The fort and out-buildings upon the reserve were erected many years ago, and owing to its then isolated condition they could not have been built with any great degree of permanency, which, with the great lapse of time since their erection, leaves them now in a dilapidated condition; we are confident that all of the improvements could not be sold for more than \$20,000, and are of the opinion that were they to be sold by themselves they would not bring more than half that sum. As an evidence of this we respectfully refer to the sale of Fort Atkinson, which sold some three years ago at public sale for less than \$4,000; would also refer to the improvements at the late Winnebago agency, which sold two years ago for about \$7,000, and this, too, with a guarantee that the purchaser should have the right to enter the land at \$1 25 per acre; these improvements cost the Indian department over \$100,000 and were all made since 1848, and the military reserve at Fort Winnebago was sold lately at \$2 30 per acre, while the land owners were asking and selling their lands in the neighborhood at \$50 or upwards per acre.

We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000; they date back some 20 years, and we also find that they are all owned and in possession of the post sutler, Franklin Steele, esq. Many of the improvements were made by himself, with the knowledge and consent of the officer in command at the time. He has a large and elegant dwelling, with houses corresponding. The fort is so situated at the junction of the Mississippi and Minnesota that a ferry, for the accommodation of the fort, across each river, has been indispensable, and we find that Mr. Steele was authorized to establish and maintain said ferries, which he did, and has for years transferred officers and men and munitions of war across, day and night, free of charge to the government. He has built ferry-houses, put on, and constantly kept, boats of the best class, and had men constantly in attendance. He has also built a warehouse. There is a large and valuable stone building with a frame addition, making an extensive house, which has been furnished and used as a hotel, which could not have cost less than \$15,000. The stone part was built in the year 1837, by a Mr. Baker, afterwards sutler at Fort Snelling. It was sold to Kenneth McKenzie, esq., who, in 1853, put on the extensive addition alluded to, put the entire building in good order, and furnished it for a house of accommodation. Mr. Steele having arranged with Mr. Kenneth McKenzie for this property, and secured the government from all claims from this source, we are positive, therefore, in saying that Mr. Steele is the only claimant to the improvements upon the same made by citizens. Upon questioning Mr. Steele he very frankly said that he did not go on the said reservation, neither did he make or purchase improvements upon the same, with the expectation of having the pre-emption right extended to him, and we could not come to the conclusion that he should have the right to purchase the lands covering his improvements at \$1 25 per acre. It is true, his improvements have cost a large amount, but then, for each separate and valuable one, to permit him to purchase 160 acres, the amount of land he would be thus enabled to obtain at that price would amount to nearly 1,000 acres, or one-seventh of the reservation.

With a view to ascertain the best manner of disposing of this reservation under your instructions, we came to the conclusion that, unless we

sold the same at private sale, it would in all probability be sold at little if any over \$1 25 per acre, and for the following reasons:

First. In 1852, 26th August, Statutes at Large, vol. 10, page 36, Congress passed a law reducing the then reservation, (of which this is a part,) and directed that the Commissioner of the General Land Office should sell that not then wanted for military purposes at public sale. The same was surveyed and advertised for sale in the principal papers throughout the country. Three months' notice was given and the lands proclaimed for sale in 1853 at Stillwater, and all then offered were sold for \$1 25 per acre. That part of the old reservation on the west side of the river was not sold, in consequence of the maps not having reached the land office on the day of sale. Persons went on and made claims without the authority of law, and then appealed to Congress for relief, and that on the 2d of March, 1855, an act was passed allowing each claimant to pre-emption not exceeding 160 acres, each at \$1 25 per acre. Some of this land embraces a portion of the Falls of St. Anthony, and had improvements made upon the same by the government, and was much more valuable than any part of the present reservation. We also collected such information in regard to the sales of other reservations as our time under the circumstances would admit, and found that they seldom brought over \$1 25 per acre, when sold at private sale. We also, upon good authority, ascertained that combinations were being formed for the purpose of purchasing these lands at the usual government price, and were satisfied that justice could not be done the government unless we sold at private sale, and after a careful examination of the property we estimated its value at \$90,000, which is more than \$12 per acre, and \$5 more per acre than the minimum fixed by the Secretary of War.

The question then arose as to the improvements made by Mr. Steele. We could not admit that he was such a settler as would come under your instructions, for he admitted that he had never been induced to believe that the pre-emption right would be extended to him; but we could not conceal the fact that he had expended in improvements a large amount of money, and that to give another the right to purchase the reservation would effectually compel him to lose all he had expended. We therefore came to the conclusion that justice required us to give Mr. Steele the refusal at the price we had agreed upon. We accordingly made him the offer. He proposed to give \$75,000. We informed him that we should not dispose of it for a less sum than we had estimated it at, viz: \$90,000, at which price he accepted it, and we closed a contract for the same, a copy of which we herewith transmit for your action thereon.

We have further to report that we examined Fort Snelling with reference to its being retained as a military depot, and became satisfied that the time has passed for it to be useful as a military depot or fort. It is so far from the frontier that it is utterly useless for a fort, and to keep it for a depot would subject the United States to a heavy annual expense, and the government can have their stores forwarded if necessary through a commission merchant cheaper than by keeping this point as a depot. There is but one other military post in Minnesota Territory, which is situated on Minnesota river, above Fort Snelling, and steamboats run up to that post, and therefore it does not appear necessary for a reshipment at Fort Snelling.

We have, as instructed, reserved from the sale, as will be seen from the contract, 20 acres upon which the Catholics have built a church and have a burial ground, and have reserved for the Protestants for a burial ground ten acres. No mention was made of this in our instructions, but we came to the conclusion that your attention had not been called to the



circumstances. We would respectfully recommend that both of these reservations be conveyed to their respective denominations at \$1 25 per acre.

Respectfully, your obedient servants,

SETH EASTMAN,  
Major U. S. A., Agent.  
WM. KING HEISKILL,  
Agent, &c.

[Endorsement.]

WAR DEPARTMENT, July 2, 1857.

Submitted to the President of the United States on the 17th of June, 1857.

Approved:

J. B. FLOYD,  
Secretary of War.

WAR DEPARTMENT, June 1, 1860.

SIR: In answer to the inquiries respecting the sale of Fort Snelling, embraced in the resolution of the Senate of the 23d ultimo, I have the honor to state that the sum of \$30,000 was paid by the purchaser on the 26th July, 1857, by a deposit of specie to that amount to the credit of the Treasurer of the United States, with the assistant treasurer at New York.

The deferred instalments of the purchase money are secured by withholding the title until they are paid.

The purchaser failed to meet his deferred payment, and suit has been brought to enforce the vendor's lien, and the land will be sold to pay the residue of the purchase money if it is not sooner paid.

There is no part of this reserve in possession of the United States.

Very respectfully, your obedient servant,

Secretary of War.

Hon. J. C. BRECKINRIDGE,  
President of the Senate.

HOUSE OF REPRESENTATIVES,  
Washington, December 7, 1860.

SIR: Enclosed herewith I have your letter from the county auditor or county clerk of Hennepin county, Minnesota, relative to the title of the Fort Snelling reservation. He desires this information for the purpose of knowing whether the property is liable to be taxed by the State and county authorities.

You will very greatly oblige by furnishing me with the information desired, at your earliest convenience.

Very respectfully, your obedient servant,

CYRUS ALDRICH.

Hon. JOHN B. FLOYD,  
Secretary of War.

WAR DEPARTMENT, *January 2, 1861.*

SIR: In answer to your letter of the 7th ultimo, enclosing one addressed to you by the auditor of Hennepin county, Minnesota, I have the honor to inform you that the title to the Fort Snelling reserve will, under the contract of sale, remain in the United States until the last payment has been made by the purchaser.

The letter of your correspondent is returned.

Very respectfully, your obedient servant,

J. HOLT,  
*Secretary of War, ad interim.*

Hon. CÝRUS ALDRICH,  
*House of Representatives.*

[Endorsement on above.]

QUARTERMASTER GENERAL'S OFFICE,  
*December 13, 1860.*

Respectfully returned to the Secretary of War. The reserve at Fort Snelling was sold by Commissioners Eastman and Hallett to F. Steele, on 6th June, 1857. Approved by Secretary of War, July 2, following.

There is nothing here to show that a deed was ever executed in favor of the purchaser, or in whom the title now rests.

As to the "quit claims" referred to by Mr. Gale as having been given by Mr. Steele, this office possesses no information on the subject.

J. E. JOHNSTON,  
*Quartermaster General.*

QUARTERMASTER GENERAL'S OFFICE, *May 5, 1868.*

I certify that the foregoing are true copies of the original papers now on file in the Quartermaster General's office.

JAMES A. EKIN,  
*Deputy Quartermaster General, Brevet Brig. Gen. U. S. A.*

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*In the matter of the claim of Franklin Steele, Fort Snelling reservation.*

WAR DEPARTMENT, OFFICE OF THE BOARD OF CLAIMS,  
*Washington, D. C., September 26, 1868.*

*To the Secretary of War :*

The following is the claim of Franklin Steele against the United States in the matter of the Fort Snelling reservation:

*The United States to F. Steele, Dr.*

JANUARY 24, 1868.

To use and occupation of Fort Snelling reservation for military purposes, from April 24, 1861, to January 24, 1868, 81 months,  
at \$2,000 per month ..... \$162,000

Cr.

By balance of purchase money unpaid ..... 60,000

Total claim ..... 102,000

A review of the somewhat voluminous papers on file in connection with this case discloses the following facts and incidents:

Fort Snelling, with 7,000 acres of reserve, was sold by Secretary Floyd under the fourth section of the act of Congress of March 3, 1857,\* to Mr. Franklin Steele, Minnesota, formerly sutler at Fort Snelling, but now a resident at Georgetown, D. C.

\* \* \* \* \*

The stipulated purchase money was \$90,000, and articles of agreement were entered into between agents appointed by the Secretary of War and the purchaser, constituting a contract of sale which was approved by Mr. Floyd on the 2d of July, 1857.

The approaches to the sale of this property appear to have been first made by Mr. Steele, who, as far back as April, 1856, forwarded a proposal for the purchase to Jefferson Davis, then Secretary of War.

This proposition was rejected by Mr. Davis, who stated that the reservation was still needed for military purposes.

From the files of the War Department it appears that on the 25th of May, 1857, John B. Floyd, then Secretary of War, appointed Major Seth Eastman, United States army, and Mr. William King Heiskell, agents to visit the reservation at Fort Snelling, Minnesota, and examine and ascertain how far it had been made valuable by government improvements; whether there were any *bona fide* actual settlers upon the reservation who had made valuable improvements thereon, and who had settled there with the expectation of having the pre-emption right extended to them, and whether, under all the circumstances, they should be allowed to purchase not exceeding 160 acres each, covering their improvements, at the price of \$1 25 per acre.

They were also instructed to sell all that part of the reservation not included in any tract to which an actual settler might have a just claim, either at public auction or at private sale, and in small tracts, to enable persons of limited means to purchase, or in whole, as in their judgment would be best for the interest of the government. These sales to be made at not less than \$7 50 per acre. They were further instructed to examine Fort Snelling with reference to the necessity of retaining it as a military depot, and were directed, in case it was deemed necessary for such purpose, to reserve from the sale the buildings and such land as they might consider suitable. Such reservation not to be less than 40 acres.

On June 10, 1857, the agents appointed by Secretary Floyd rendered their report to him substantially as follows: that they had visited Fort Snelling as directed, had examined the reservation at that place, and the improvements made thereon by the United States and by citizens; that the improvements by the government were for military purposes, and mostly of such a nature as to render them valueless for any other; that they find extensive improvements made by citizens, the cost of which cannot be less than \$30,000, and that these are all owned by Mr. Franklin Steele, the post sutler.

They are positive in saying that Mr. Steele is the only claimant to the improvements made by citizens on the reservation, and also report that

\* SECTION 4. *And be it further enacted*, That the provisions of the act approved March 3, 1819, entitled "An act authorizing the sale of certain military sites," be and they are hereby extended to all military sites, or to such posts thereof which are or may become useless for military purposes: *Provided, nevertheless*, That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in anywise the right of the State within which any such site or reservation may be situated to impose taxes on the same in like manner as upon other lands or property owned by individuals within the State after such sale.

he has frankly informed them that he did not go upon the reservation, neither did he make or purchase the improvements thereon with the expectation of having the pre-emption right extended to him. They could not, therefore, come to the conclusion that Mr. Steele should have the right to purchase the lands covering his improvements at \$1 25 per acre, more especially as he would then have been entitled to buy 1,000 acres, or one-seventh of the entire reservation, but finally disposed of the property to him at private sale, in order to defeat combinations which were forming with a view to secure the land at an undervaluation. This to save the government.

In consideration of the improvement made by Mr. Steele, and from the opinion that he would be compelled to lose these improvements if the right to purchase was given to another, they concluded that justice required them to offer him the refusal of the entire reservation at the price of \$90,000, which offer, after some underbidding, he accepted.

A contract was therefore entered into.

They also reported adversely upon the retention of the fort for military purposes.

The contract between the agents of the United States and Mr. Steele recites in effect that the party of the first part sell to the party of the second part the reservation of Fort Snelling with the improvements thereon, with the exception of 20 acres, whereupon was a Catholic church and burial-ground, and also a plot of 10 acres reserved for a Protestant graveyard.

The consideration is the payment to the government of \$90,000; one-third payable on July 10, 1857, the residue in two equal annual payments thereafter. Possession of the reservation to be given as soon as the United States can dispense with it for military purposes; and the deed given when the first payment is made and security given for the deferred payments.

On July 25, 1857, Mr. Steele paid \$30,000, the first instalment, to the United States, depositing the same in the hands of the United States Assistant Treasurer at New York, Mr. Cisco.

The Secretary of War receipted for the amount of this payment on July 26, 1857, and on the 31st of that month, by Special Orders No. 109, War Department, Adjutant General's Office, the military reservation and property at Fort Snelling, with the exception of the fort and other buildings required for the use of the troops, were ordered to be placed in the immediate possession of Mr. Steele.

On July 9, 1858, General Jesup, Quartermaster General, under instructions from the Secretary of War, directed the quartermaster at Fort Snelling to place Mr. Steele in possession of the fort, and on July 19, 1858, Captain Reynolds, assistant quartermaster, executed the order.

The next action taken appears to have been caused by a proposition made by Mr. Steele to the War Department, which is explained by the following letter of the Attorney General, in reply to the Secretary of War:

ATTORNEY GENERAL'S OFFICE,  
September 28, 1857.

SIR: In your letter of the 26th instant you enclose me a written agreement between the agents of the United States and Franklin Steele, for the sale of the Fort Snelling reserve, together with two letters addressed to you by Mr. Steele's agent, and you ask my official opinion thereon.

You make no statement of facts, and put no question of law, but leave me to infer from the naked papers what point it is upon which you desire my advice.

Mr. Steele agreed to purchase the property for the sum of \$90,000, to be paid in three equal annual payments on the 1st day of July, 1857, 1858 and 1859.

I take it for granted (though you do not say so) that the first instalment of \$30,000 has already been paid. He is entitled by the terms of his contract to a deed for the whole property, upon his giving satisfactory security for the balance of the purchase money. What he now desires is some arrangement for securing the \$60,000, which he yet owes, in such a manner that two thousand acres of the land will be free from encumbrance.

The War Department has power given it to sell the land in question. Having sold it your power is exhausted. You can do nothing more except to enforce the rights and perform the obligations which the agreement created. The authority to make a contract implies no authority to change it after it is made. This contract entitles the purchaser to a deed as soon as he pays one-third of the price and gives satisfactory security for the remainder. A mortgage upon the whole of the land would be satisfactory no doubt, since it is not to be presumed that property which sold once for \$90,000, would sell again for less than \$60,000. But it may also be true that a lien on 2,000 acres less than the whole tract would be sufficient. This is a matter of fact—a question for your own judgment and discretion to answer. You may take any security which you deem sufficient, remembering always that security for a debt is that which makes it absolutely safe.

I am, most truly,

J. S. BLACK.

Hon. J. S. FLOYD, *Secretary of War.*

No action appears to have been taken upon this opinion of the Attorney General or upon Mr. Steele's proposition, and the case seems to have rested until January, 1858, when the attention of Congress being drawn to the sale, it became matter of congressional investigation, a select committee on the Fort Snelling sale being appointed by the House of Representatives. The chairman of this committee called upon the President of the United States and the Secretary of War, requesting that no title should be executed to the party making the purchase of the military reservation at Fort Snelling until the committee shall have closed its investigation and the House shall have acted thereon.

The report of the committee in this case was made to the House in April, 1858, and embraces a minority and majority report. The conclusion of the majority report is as follows:

*Resolved*, 1. That the sale of the military post at Fort Snelling, and so much of the reservation attached to it as was necessary for military purposes, made on the 6th day of June, 1857, under the authority of the Secretary of War, the same being then and now retained under the authority of that department, because necessary for military purposes, was without authority of law.

2. That said sale was made by the Secretary of War, notwithstanding his knowledge of the official opinion of his predecessor, the Hon. Jefferson Davis, and of other officers in superior military command to the contrary, without consulting with, without the advice and without the knowledge of any officer in the service of any rank, leaving the question of the retention of that post to the discretion of the commissioners appointed to make the sale, and that this action on the part of the Secretary of War was a grave official fault.

3. That with a knowledge of the great value of the Fort Snelling post and reservation and the importance of great caution and judgment in making the sale, the Secretary of War appointed as agents for the purpose unqualified, inexperienced and incompetent men.

4. That provisions for and management of the sale were so negligently, carelessly, and injudiciously made, as to induce a successful combination against the government, exclude all competition, and bring loss on the government.

5. That John C. Mather, agent of the Department of War for the examination and sale of the Fort Ripley reservation, after having already joined a combination for the purchase of the Fort Snelling reservation, acted in making such purchase in violation of his official duty and against the known policy of the government, and that, as to him and Richard Schell, represented by him as agent, and Steele and Graham, who were complicated in the sale with him, with a full knowledge of his official character, the sale of the Fort Snelling reservation was at the time and is now void.

All of which is respectfully submitted.

JOHN U. PETTIT.  
J. S. MORRILL.

The undersigned concurs in the conclusions of the foregoing report, but not in all the reasoning, arguments, or forms of expression by which they were arrived at.

I. N. MORRIS.

The minority, closing their review of the case,

*Resolved*, That the recent sale of the military reservation at Fort Snelling having been made by the Secretary of War under the direction of the President of the United States, in strict conformity to law, and the evidence reported by the select committee having failed to exhibit any fact or circumstance tending in the slightest degree to impeach the fairness of the sale, or the integrity of any of the officers or agents of the government concerned in the same, or to exhibit any fact or circumstance which should make the said sale a proper subject for the opinion and action of this house, it is ordered that the committee be discharged from the further consideration of the subject, and that the report of the said committee be laid upon the table.

No further action appears to have been taken by the House upon these reports, but the conflicting opinions expressed and a certain degree of notoriety which the case has gained seems to have resulted in a depreciation in the value of the property, and in view of this depreciation Mr. Steele seems to have declined, or at least failed in making further payments as required by the terms of the contract.

In consequence of this failure Secretary Floyd, in January, 1859, directed suit to be brought against Mr. Steele for the amount due on the contract, which had not been complied with.

This action elicited a letter from Mr. Steele, dated January 22, 1859, in which he stated his surprise that the Secretary of War had directed proceedings to be instituted against him, and that he did not suppose the department would second the efforts of certain members of Congress in their bitter warfare upon him. He states:

It is quite probable that you may have heard that I intended, in consequence of the action of Congress and its influence upon the property, to decline further payment until some allowance was made by the government for the damage that I have sustained consequent upon the action of Congress in the investigation of the subject.

That he had a legal as well as equitable claim upon the government for damages he is advised by counsel, but he does not desire litigation, and thinks he is entitled to a little leniency at the hands of the government, having already paid \$30,000 of the purchase money. He states further:

Had Congress not interfered, to the great injury of the property, the payment would have been promptly made.

And asks that the "proceedings may be withdrawn, agreeing, if such action is had, to waive all claim for damage and make a payment of \$10,000 within four months, and the balance due as soon thereafter as possible."

This proposition does not appear to have been accepted, and though the reserve remained in the possession of Mr. Steele, the title was decided by the Secretary of War to vest in the United States until the last payment had been made by the purchaser. This decision was made June 1, 1860, and is expressed in a communication from the Secretary of War to the President of the Senate, which body had requested information upon the subject.

The affidavit of Franklin Steele, taken on February 6, 1868, sets up that on April 24, 1861, and for more than two years prior thereto he had been in sole possession of the Fort Snelling reservation, containing about 7,000 acres, with the improvements thereon; that he had been placed in possession of the property in compliance with the terms of the contract of purchase; that he had always been ready and willing, and is now ready and willing to perform all the stipulations of said contract; that he had paid \$30,000, the first instalment, and that the security for the payment of \$60,000 was offered by him on August 1, 1857, in United States bonds, but that the offer was not accepted by the Secretary of War, and the deed for the property was not delivered to him; that the Secretary of War chose to have the land remain as security, and that a



committee of Congress, appointed to investigate the conduct of Secretary Floyd in making said sale, had requested the Secretary of War not to perfect the title to said property until the committee should have closed its investigations. He further sets up that the United States sued him for the balance of the purchase money unpaid, which he had deferred paying for the reason that the United States had not fulfilled its agreement to him in the premises, and that said suit was continued against him from term to term of the court before which it was brought, until the amount due him by the United States for the use and occupation of the property exceeded the amount *due by him to the United States*.

A letter from Solicitor Jordan, of the treasury, reports that the United States district attorney for the district of Minnesota had reported in a communication received at the solicitor's office on January 6, 1865, that the proceedings in this case were suspended by order of the Secretary of War.

Mr. Steele also states that within 18 months the department has refused to pay him audited and approved voucher on other accounts, for the reason that he was indebted to the United States upon the Fort Snelling purchase.\*

He further deposes that on the 24th of April, 1861, the Fort Snelling reservation hitherto in his possession was taken from him by General Sanborn, adjutant general of the State of Minnesota, and by Captain Nelson, for the use and occupancy of United States troops.

In support of the account stated at the head of this paper he deposes that the use and occupation of the land and improvements by the United States during the time cited was worth \$2,000 per month, and that he had been injured and sustained damages in that amount by reason of the use and occupation. He now offers to offset so much of the amount as will satisfy and pay any claim the United States may have against him, and asks that the balance due him may be credited and paid as other accounts against the department, and that the deed may be executed to him for the property.

On the 26th of February, 1868, Hon. J. A. Garfield, chairman of the Committee on Military Affairs, requested the Secretary of War to furnish that committee copies of all reports by military commanders in regard to retaining any portion of the Fort Snelling military reservation, copies of all records and papers relating to the sale of the reservation by the Secretary of War, and all information in the possession of the War Department in regard to the use and occupation of said reservation since the sale.

Mr. Garfield stated further, that the committee would be glad to know whether in the opinion of the Secretary of War it is necessary to retain any portion of said reservation for military purposes; and if so, what legislation, if any, is necessary to enable the government to obtain an undisputed title to the same, and to make a full settlement with the purchaser of the reservation.

This was referred to the Adjutant General for compliance with the request of the chairman on military affairs.

From such of these papers as are germane to the history of the case as far as we have proceeded, the following facts are derived:

In answer to the call of the Adjutant General for particulars concerning the military reservation at Fort Snelling, General Sherman on the 10th of March, 1868, reported that he visited Fort Snelling on the 26th

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\* Mr. Steele has been settled with by the Quartermaster General, within a few months, on certain accounts, upon basis independent of the matter here in question.

of May, 1866, and found it occupied by a company of the 10th infantry, and it has been occupied by troops continuously ever since.

The enclosed copy of his official report made at that time states:

I also learn that Fort Snelling with its 6,000 acres of reserve was sold by Mr. Secretary Floyd to a Mr. Steele that he has paid some \$30,000 of the purchase money, and has failed to pay the balance. I understand that Mr. Steele is not anxious to fulfil the terms of his purchase, because the occasion has passed.

It is now too late for him to build a town there, which was the object of his purchase, for St. Paul below the fort, and Minneapolis above, are established too well to be disturbed by rivals. The land is not worth for agricultural purposes anything like the price Steele contracted to pay for it, but Fort Snelling is valuable to us; the government promptly took it back when the war revealed its use as a depot for the collection of volunteer troops, and on all future occasions when troops are needed anywhere north or west of this, Fort Snelling will be found the natural point. I therefore recommend its retention and that a compromise be effected with Mr. Steele.

Fort Snelling would be a good point for the organization of new regiments, when the time comes; but it is of no use whatever for military defence, because there are no Indians or hostile people within 200 miles. Its only use is as a rendezvous for troops, like Jefferson barracks and Fort Leavenworth.

General Sherman adds the following additional report:

Fort Snelling occupies the angle at the junction of the St. Peter's and Mississippi rivers, at the very head of navigation.

Its reservation embraces also land south of the St. Peter's and west of the Mississippi, which is necessary for military uses, but the balance is not, and may with propriety be sold.

Fort Snelling will always be a military point from which troops and supplies can be handled for use on the northern frontier, and should never be sold.

The former sale by Mr. Floyd was declared fraudulent and was suspended, but by a personal examination of the facts I am convinced that Mr. Steele was not involved in the fraud.

A fair compromise should be made with him, and none would be more fair than to credit him with the money paid, \$30,000 with interest, and charge him all moneys received by him. He has had the use of the valuable ferry privilege and has had the benefit of other rents and profits, and should make a declarative statement of the account and receive the balance due him.

I have not possession of the map of the reservation, but have repeatedly seen it at the fort and will at once procure a copy of it, and thereon delineate what portion of the reservation may be disposed of and what portion should be held.

I understand from Mr. Steele that he was not only willing but anxious to settle the matter on any conditions that were fair and just to himself.

I have no doubt that the land east of the Mississippi river and south of the St. Peter's can be sold for enough to refund to Mr. Steele the money already paid by him; but if this be insufficient we could further diminish the reservation by a fraction outside of the Minnehaha river and at the extreme part of the reservation embraced by the small lakes; but I repeat my opinion that all the reservation embraced by the Mississippi, St. Peter's and Minnehaha is eminently necessary for the military uses of the United States for all time to come.

General Sherman on the 23d of April sends forward three maps and several papers from General Terry's headquarters relating to the military reservation at Fort Snelling, and says that—

From personal inspection and a study of the relations of the site with regard to the region of country round about to the sources of the Mississippi, and to our northern national boundary, I am clearly of opinion that Fort Snelling, with its present reduced boundary, should be held by the United States forever.

Its sale by Mr. Floyd to Mr. Steele was either in fraud or in ignorance of its military value, but Mr. Steele is not, in my judgment, a party to the fraud.

He paid \$30,000, or one-third of the money, in good faith, and should receive back the same with interest or an equivalent.

The more I study the case the more am I convinced that the United States should not diminish that part of the reserve lying in the forks of the Mississippi and St. Peter's; but it is possible that we can dispense with the 160 acres on the east of the Mississippi, and the other piece of 160 acres on the south side of the St. Peter's. (See map.)

The sale of these two pieces of land might realize some \$6,000 or \$8,000.

If, however, it be indispensable to realize out of the reservation the full sum of \$30,000 with interest, there will be no alternative but to reduce the reservation by taking a strip on the west part similar to that indicated in map B by the dotted red line, beginning at the point on Brown's creek above the Minnehaha falls.

General Sherman concludes thus :

Fort Snelling is at the head of the steamboat navigation on the Mississippi ; is the natural depot, *place d'arme*, of that whole region ; is naturally fitted for a fortification, but of no manner of use for a farming or town site.

Should the site now pass into private hands, it would have to be repurchased at some future day at a vast cost ; I therefore recommend that we should settle with Mr. Steele at a fair cost and retain the place for military uses forever.

On the 27th of April, 1868, the Adjutan: General submitted to the Secretary of War all the data required by the chairman of the Military Committee.

It does not appear, however, that the Secretary of War has transmitted these papers to Congress, as requested.

A settlement of the case was last urged upon the Secretary of War, by Mr. Steele in person, on the 27th of August, 1868, he representing that, in accordance with the opinion of the Attorney General, there was abundant authority in the head of the War Department to adjust the case, notwithstanding that in the present condition of legislation a special authorization of Congress is necessary to the sale of any military reservation by the War Department.

It is not necessary to proceed further with this case than simply to note its situation.

It is one concerning which there has been a great deal of public scandal which has attracted the attention of both houses of Congress, and has been made the subject of special investigation of those bodies.

In obedience to the suggestions of one of the bodies, as well as to the requirements of public opinion throughout the country, the Secretary of War refrained from conveying the title to Mr. Steele, and though repeated efforts have been made to obtain a settlement of the case several Secretaries of War have declined to interfere, and the subject is now in process of consideration by the House of Representatives.

As the call for papers relating to the case appears still to be unanswered, no other step is necessary, indeed no other step would appear to be proper than to transmit the document to the Committee on Military Affairs, in accordance with its request.

Any interference of the War Department looking to the adjustment of the claim in its present condition, or of any compromise, even upon the terms suggested by General Sherman in anticipation of congressional legislation, would be injudicious if not improper.

The board add, however, an expression of their entire concurrence in the views and recommendations of General Sherman as to the necessity of the retention of the reservation, the equities of Mr. Steele, and the propriety of selling such portion of the reservation, not actually needed for the use of the United States, as will realize a sufficient sum to reimburse to Mr. Steele the money already paid by him, \$30,000.

JAS. A. HARDIE,

*Ins. Gen. Brev. Maj. Gen., Pres. Board of Claims.*

GEO. GIBSON,

*Maj. 1st Inf. Brev. Lieut. Col. U. S. A., Recorder of Board.*

WAR DEPARTMENT, September 26, 1868.

Approved, by order of the Secretary of War,

WM. M. WHERRY,

*Brev. Col. U. S. A., and A. D. C.*

BOARD OF CLAIMS, WAR DEPARTMENT,

December 9, 1868.

A true copy :

GEO. GIBSON,

*Maj. 1st Inf. Brev. Lieut. Col. U. S. A., Recorder of Board.*

Know all men by these presents that I, Franklin Steele, of St. Paul, in the county of Raney and State of Minnesota, having made, constituted, and appointed, and by these presents do make, constitute, and appoint John B. Sanborn, esq., of the same place, my true and lawful attorney in fact for me, and in my name, place, and stead, to file and prosecute my claim against the United States for the use and occupation of the real estate known as the Fort Snelling reservation in Minnesota, by United States troops since the 23d day of April, A. D. 1861, before the War Department, Court of Claims, or any other department or tribunal of the United States; and also to prosecute my claim for title in fee to real estate known as the Fort Snelling reservation against the United States in any proper court or department, and to adjust and settle all matters of difference between me and the United States growing out of the sale of used military reservation by the government to me, and to execute in my name any papers or instruments in writing necessary and requisite to a full and final settlement of the same, and to file such papers or instruments in writing in court, and appear in court in all matters that may arise therein connected with such sale and purchase, giving and granting unto my said attorney full power and authority to do and perform every act, matter, and thing requisite and necessary to be done in and about the premises, in the same manner and with the same force and effect as I might or could do if personally present. Hereby ratifying and confirming all that my said attorney may do or cause to be done by virtue hereof.

In witness whereof I have hereunto set my hand and seal this 6th day of February, A. D. 1868.

FRANKLIN STEELE.

Signed, sealed, and delivered in presence of—

JNO. F. CALLAN,  
CHAS. CONS. CALLAN.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Be it remembered that on this 6th day of February, A. D. 1868, personally appeared before me Franklin Steele, to me known to be the signer and sealer of the foregoing power of attorney, and acknowledged that he executed the same freely and voluntarily for the use and purposes therein expressed.

JOHN F. CALLAN, *Notary Public.*

WAR DEPARTMENT, *December 10, 1868.*

A true copy.

GEO. GIBSON,

*Major 1st Inf., Bvt. Lieut. Col. U. S. A., Recorder of Board of Claims*

*The United States to Franklin Steele, Dr.*

To use and occupation of Fort Snelling reservation for military purposes from April 24, 1861, to January 24, 1868, 81 months, at \$2,000 per month.....	\$162,000
<i>Cr.</i>	
By balance of purchase money for reservation unpaid.....	60,000
Balance unpaid.....	102,000

JANUARY 24, 1864.

In support of said claim the following exhibits are attached and referred to, many of which are on file or of record in the War Department, to wit:

*Exhibit A.*—Articles of agreement entered into on the 6th day of June, 1857, between Seth Eastman, major United States army, and William King Heiskell, agents of the government of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, approved by the Secretary of War July 2, 1857.

*Exhibit B.*—Certificate of John J. Cisco, assistant treasurer United States at New York, dated July 25, 1857.

*Exhibit C.*—Receipt of John B. Floyd, Secretary of War, of date of July 27, 1857.

*Exhibit D.*—Special Orders No. 119, War Department, Adjutant General's Office, July 31, 1857.

*Exhibit E.*—Orders of Captain A. W. Reynolds, assistant quartermaster United States army, dated Fort Snelling, July 19, 1858.

*Exhibit F.*—Resolution of committee of the House of Representatives, from courtesy to which the Secretary of War did not receive the security from Steele.

*Exhibit G.*—Declaration and notice to plead in suit, United States against Franklin Steele.

*Exhibit H.*—Affidavit of Franklin Steele, sustaining his claim against the United States.

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#### EXHIBIT A.

Articles of agreement made and entered into this 6th day of June, 1857, by and between Seth Eastman, major United States army, and William King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, to wit: The party of the first part have this day sold to the party of the second part all that tract and reserve of land known as the military reservation of Fort Snelling, with the improvements thereon, excepting and reserving twenty (20) acres described as follows, to wit: Commencing at the southeast corner of fraction No. one, (1,) in section twenty-eight, (28,) in township twenty-eight, (28,) in range twenty-three, (23,) running north forty (40) rods, thence west eighty (80) rods, thence south forty (40) rods, thence east eighty (80) rods to the place of beginning; the same being reserved for a Catholic church and burial ground, where the church and burial ground now is. Also excepting and reserving [the northwest quarter of section twenty, (20,) in township twenty-eight, (28,) of range twenty-three, (23,) containing ten acres, the same being reserved for a Protestant grave yard. For and in consideration of the above, the party of the second part agree and hereby binds himself, heirs, executors, administrators, &c., to pay to the United States government, or an authorized agent or agents, the sum of \$90,000, one-third of said sum payable on the 10th day of July next, and the residue in two equal annual payments thereafter—the said tract of land or reservation contains about 7,000 acres.

Possession of the said lands to be given (and improvements) as soon as the Secretary of War can dispense with it for military purposes, and a deed given when the first payment aforesaid is made, and satisfactory

security for the deferred payments given and approved by the Secretary of War or agents appointed for that purpose.

As witness our hands and seals the day and year above written.

SETH EASTMAN, [SEAL.]

*Major U. S. Army, Agent, &c.*

WILLIAM KING HEISKELL. [SEAL.]

FRANKLIN STEELE. [SEAL.]

Approved.

JOHN B. FLOYD,  
*Secretary of War.*

WAR DEPARTMENT, *February 2, 1857.*

On the back of said articles of agreement is the following :

E. 122, July 2, 1857.

B. K. 40, S. 209, E. 44.

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EXHIBIT B.

No. 164.] OFFICE OF ASSISTANT TREASURER UNITED STATES,  
*New York, July 25, 1857.*

I certify that Franklin Steele has this day deposited to the credit of the treasurer of the United States \$30,000, on account of the fund arising from the sale of the military reserve at Fort Snelling, Minnesota, for which I have signed triplicate receipts.

\$30,000.

JOHN J. CISCO,  
*Assistant Treasurer.*

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EXHIBIT C.

Received, 27th July, 1857, of Franklin Steele, of Minnesota, the sum of \$30,000, being the first instalment due and to be paid on the 10th of July, 1857, on account of the land sold to him on the 6th day of June, 1857, known as the military reserve at Fort Snelling, Minnesota, and which sale was made by direction of the Secretary of War, under the authority vested in him by the 4th section of the act of Congress of the 4th of March, 1857, making appropriation for the support of the army for the year ending the 30th of June, 1858, by Major Seth Eastman, of the United States army, and William King Heiskell, agents appointed to make the sale; said land being more fully described in an agreement bearing date the aforesaid 6th day of June, 1857, from the said Major Seth Eastman and William King Heiskell, and which agreement is on file in the War Department.

JOHN B. FLOYD,  
*Secretary of War.*

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EXHIBIT D.

[Special Orders, No. 119.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
*Washington, July 31, 1857.*

I. The first instalment of the purchase-money of Fort Snelling having been paid into the treasury, the military reservation and property



pertaining thereto, excepting the fort and other buildings which are required for the use of the troops at the post, will be put in the immediate possession of Mr. Franklin Steele.

The military post will be maintained until further orders.

\* \* \* \* \*

By order of the Secretary of War:

S. COOPER,  
*Adjutant General.*

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EXHIBIT E.

FORT SNELLING, MINNESOTA, *July 19, 1858.*

Whereas the following instructions have been received by me from the quartermaster general's department, viz:

QUARTERMASTER GENERAL'S OFFICE,  
*Washington City, July 9, 1858.*

SIR: In compliance with instructions from the Secretary of War, you will immediately transfer Fort Snelling to Mr. Franklin Steele, by whom it has been purchased. Take his acknowledgment of its receipt, and forward it to this office.

Very respectfully, your obedient servant,

T. J. JESUP,  
*Quartermaster General.*

Capt. A. W. REYNOLDS,  
*Assistant Quartermaster, Fort Snelling.*

Now, be it known to all men that, in pursuance to the above order, I have this day transferred and do hereby transfer to the said Franklin Steele, purchaser of the same, the aforesaid Fort Snelling, giving him, the said Franklin Steele, as ample and perfect possession, and as fully conveying and transferring the same as I am able or authorized and empowered to do by the above order.

A. W. REYNOLDS,  
*Captain and Assistant Quartermaster U. S. A.*

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EXHIBIT F.

*Resolved*, That the chairman of this committee call upon the President of the United States and Secretary of War, and request that no title shall be executed to the party making purchase of the military reservation at Fort Snelling until this committee shall have closed its investigation and the House shall have acted thereon.

JANUARY 29, 1858.

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EXHIBIT G.

UNITED STATES, }  
vs. }  
FRANKLIN STEELE. }

United States District Court, District of Minnesota.—Debt claim, \$60,000; damages, \$15,000.—September 12, 1860.

The United States, plaintiff in this suit, complains of Franklin Steele, defendant in this suit, who has been summoned to answer the said plaintiff of a plea that he render to the said plaintiff the sum of \$60,000,

lawful money of the United States of America, which he owes to and unjustly detains from said plaintiff.

For that, whereas the said defendant heretofore, to wit, on the 6th day of June, 1857, to wit, at St. Paul, in said district, by his certain writing obligatory, sealed with his seal, and to the court here shown, the date whereof is the same day and year aforesaid, agreed and bound himself unto the said plaintiff to pay the United States government, to wit, the plaintiff, or an authorized agent or agents, the sum of \$90,000; one-third of said sum payable on the 10th day of July (then) next, and the residue in two equal annual payments thereafter. But the said defendant, although often requested to do so, has not as yet paid the residue of said sum of \$90,000 (to wit, the \$60,000) above demanded, or any part thereof, to the said plaintiff; but has hitherto wholly neglected and refused and still neglects and refuses so to do, to the damage of the said plaintiff of \$15,000, and therefore he brings this suit, &c.

GEORGE L. BEEKER,  
*Attorney for United States.*

And on the back of said declaration is the following endorsement, to wit:

United States district court, district of Minnesota; the United States *vs.* Franklin Steele; declaration to.

SEPTEMBER 17, 1860.

SIR: You are hereby notified that a rule to plead has this day been entered in the common rule books of the clerk of the district court, requiring you to plead to the declaration, of which this is a copy on file in the office of said clerk, within 20 days after the service, or be defaulted.

GEORGE L. BEEKER,  
*Attorney for United States.*

WILLIAM HOLLINGSHEAD,  
*Defendant's Attorney.*

Copy:

GEORGE L. BEEKER.

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#### EXHIBIT H.

DISTRICT OF COLUMBIA, *County of Washington*, ss:

Franklin Steele, of St. Paul, Minnesota, being first duly sworn, deposes and says, that on the 24th day of April, A. D. 1861, and for more than two years prior thereto, he was in the sole, undisputed and peaceable possession of the land and property situated at the junction of the Minnesota and Mississippi rivers, situated in the State of Minnesota, known as the Fort Snelling reservation, containing about 7,000 acres of land, with the improvements thereon; that he was placed in possession of said lands, buildings and property of the United States government pursuant to certain articles of agreement entered into by and between himself and the United States by its authorized agents, a true copy of which is herewith submitted for consideration; and deponent says that he has always been ready and willing, and is now ready and willing to perform all the stipulations of said agreement by him to be kept and performed, and that the security for the payment of \$60,000 referred to in said agreement was on or about the 1st day of August, 1857, offered by him to the

Hon. Secretary of War in United States bonds, and that the same was not accepted by the Secretary of War, nor the deed to said land, property and improvements delivered to him, for the sole reason that the Secretary of War chose to have the land remain as security; and the deponent says that before the next payment became due a committee of the House of Representatives, appointed to investigate the conduct of the Secretary of War in making said sale, had requested the said Secretary of War not to perfect the title to said property in this affiant until said committee should have closed its investigation and the House have acted thereon, as will appear by Exhibit F hereto attached; and deponent says that the United States government have always treated said agreement, as contained in Exhibit A hereto attached, as in all things binding and valid, and did, on the 12th day of September, A. D. 1860, sue this affiant in the United States district court for the district of Minnesota, in a plea that he render to the United States the sum of \$60,000, being the balance of the unpaid purchase money to be paid by him for said property, and for which he delayed the payment for the sole reason that the United States had not fulfilled its agreement and obligation to him in the premises, and that said suit was continued against him from term to term of said court until the amount due him by the United States for the use and occupation of said property exceeded the amount due by him to the United States, when said case, by the neglect of the attorney of the United States, was stricken from the calendar of said court, but is still pending against him in said court, as he is informed by his attorneys; and the affiant makes reference to Exhibit G for a more full representation of the claim of the United States in the premises; and deponent says that the War Department of the United States government has within 18 months refused to pay him audited and approved vouchers and accounts, for the reason that he was indebted to the United States upon said Fort Snelling purchase.

And deponent further says, that on the 24th day of April, A. D. 1861, the said property and real estate known as the Fort Snelling reservation, containing about 7,000 acres of land, and the improvements thereon, were seized and taken from him by John B. Sanborn, then adjutant general and acting quartermaster general of the State of Minnesota, and Captain A. D. Nelson, United States army, for the use and occupation of the United States troops; and deponent says, that troops of the United States have continued in the occupation of said property and improvements from that day to this, and that during all said time he has been deprived of the use and possession thereof; and deponent says, that the use and occupation of said land and improvements during the time aforesaid is worth and of the value of \$2,000 per month—in all, of the value of \$162,000, and that he has been injured and sustained damage to that amount, by reason of the use and occupation aforesaid; and deponent says that he now offers to offset so much of said amount as will satisfy and pay any claim the United States may have against him, and asks that the balance due him may be credited and paid as other accounts against the department, and that a deed may be executed to him by the Secretary of War pursuant to the terms of the agreement hereinbefore referred to.

And deponent further says that he has always been a faithful and loyal citizen of the United States, and that he has never given any aid, countenance, counsel nor encouragement to persons engaged in armed hostility thereto, and that he has never yielded any support to any government or pretended government, authority or power hostile or inimical to the United States.

FRANKLIN STEELE.

Sworn to and subscribed before me this 6th day of February, A. D. 1868.

JOHN F. CALLAN,  
*Notary Public.*

In addition to the foregoing, claimant respectfully refers to and makes part of his case the journals of the House of Representatives 35th Congress, and especially to House Report No. 351 of the 1st session of said Congress.

JOHN B. SANBORN,  
*Attorney for Claimant.*

A true copy:

GEO. GIBSON,  
*Major 1st Infantry, Brevet Lieut. Colonel U. S. A.,  
Recorder of Board of Claims.*

WAR DEPARTMENT, *December 10, 1868.*

# Plan of the Military Reserve

## at FORT SNELLING

made under direction of  
Lieut. Jas. W. Abert, Top. Eng<sup>s</sup>  
1853.

### Scales:

Original. 6 inches to 1 mile.  
Reduced Copy, 1 inch to the mile.

War Dep<sup>t</sup> }  
Sept. 1, 1868. } J.R. Stanton.

